11-15-85
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Federal Register

Friday
November 15, 1985

Briefings on How To Use the Federal Register
For information on briefings in Atlanta, GA, and Philadelphia, PA, see announcement on the inside cover of this issue.

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How To Cite This Publication: Use the volume number and the page number. Example: 50 FR 12345.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ATLANTA, GA

WHEN: Nov. 21; at 1 pm.
Nov. 22; at 9 am. (identical session)

WHERE: Room LP-7,
Richard B. Russell Federal Building,
75 Spring Street, SW., Atlanta, GA.

RESERVATIONS: Deborah Hogan,
Atlanta Federal Information Center.
Before Nov. 12: 404-221-2170
On or after Nov. 12: 404-331-2170

PHILADELPHIA, PA

WHEN: Dec. 17; at 1 pm.
Dec. 18; at 9 am. (identical session)

WHERE: Room 3306/10
William J. Green, Jr., Federal Building,
600 Arch Street, Philadelphia, PA.

RESERVATIONS:
Laura Lewis,
Philadelphia Federal Information Center,
215-597-1709

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Separate Parts in This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5408 of November 13, 1985

National Diabetes Month, 1985

By the President of the United States of America

A Proclamation

Each year, an estimated 500,000 more Americans are told by their physicians that they have diabetes. This chronic disease interferes with the body's ability to derive energy from glucose, a type of sugar and an important product of digested food. When diabetes strikes children, it is in a form that can soon be fatal without daily injections of the life-saving hormone insulin. Most people with diabetes have another form of the disease that begins in adulthood and that, over the years, can insidiously and progressively damage the heart, eyes, kidneys, and nervous system.

The acute illness and long-term complications of diabetes cost the country an estimated $14 billion each year in medical outlays, disability payments, and loss of income. Individuals and families suffer an inestimable drain on their emotional and economic resources in coping with this disease.

Hope for the future lies in research. In recent years, scientists have laid the groundwork for an eventual cure for diabetes. Basic research has provided the tools with which scientists are describing the genetic, immunologic and biochemical mechanisms that underlie diabetes. Through research, we now know that diabetes has multiple causes, and scientists are developing the means to understand and correct these defects in ways specific to each cause. Research is also clarifying how best to treat diabetes. This research, along with efforts to transmit the most up-to-the-minute knowledge to health practitioners and to individuals who might be affected by diabetes, is helping to preserve the health of its potential victims.

Only through the continued commitment and cooperation of the Federal government, the scientific community, and the private agencies and citizens dedicated to the fight against diabetes can progress continue.

To increase public awareness of diabetes and to emphasize the need for continued research and educational efforts aimed at controlling and one day curing this disease, the Congress, by Senate Joint Resolution 145, has designated the month of November 1985 as "National Diabetes Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1985 as National Diabetes Month. I call upon all government agencies and the people of the United States to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 85-27466
Filed 11-14-85; 10:23 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5409 of November 13, 1985

National Women Veterans Recognition Week, 1985

By the President of the United States of America

A Proclamation

We Americans are justly indebted to all who have served in uniform in the cause of our national defense. It is an honor for me to invite special attention to the unique contributions made to that cause by women veterans.

Throughout our Nation's history, American women have answered duty's call, even when that call exacted a great price. Many women have become casualties in their country's service, and countless more have suffered family disruptions and dislocations caused by commitments to the armed services.

The nearly 1.2 million women veterans living in the United States today have contributed immeasurably to restoring and maintaining the peace. Their performance in a wide range of demanding specialties in all branches of service has been in the proudest traditions of our Armed Forces, and it is altogether fitting that we as a Nation pause to express our appreciation.

The Congress, by Senate Joint Resolution 47, has designated the week beginning November 10, 1985, as "National Women Veterans Recognition Week" and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning November 10, 1985, as National Women Veterans Recognition Week. I call upon the American people, the Federal government, and State and local governments to celebrate this week with appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 85-27465
Filed 11-14-85; 10:24 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 371

[Docket No. 85-407]

Organization, Functions, and Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organization, functions, and delegation of authority of the Animal and Plant Health Inspection Service (APHIS) by making minor changes in the organizational structure under the Deputy Administrator for Management and Budget. The organizational title of the Automated Data Systems Staff is changed to the Information Systems and Communications Division. The changed title is more representative of the functions performed in this Division.

EFFECTIVE DATE: November 15, 1985.

FOR FURTHER INFORMATION CONTACT: John C. Frey, Classification, Employment, and Executive Resources Program, Human Resources Division, Animal and Plant Health Inspection Service, 6505 Belcrest Road, Room 221, Federal Building, Hyattsville, Maryland, 20782, (301) 436-6466.

SUPPLEMENTARY INFORMATION: The purpose of this document is to record minor changes in the management structure under the Deputy Administrator for Management and Budget. The name of the Automated Data Systems Staff is changed to that of Information Systems and Communications Division. This change will more closely portray the functions actually performed by the Division and the new identification is comparable to the names used by other organizations within the Department of Agriculture with similar functions. The basic functions of the Division remain unchanged.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of E.O. 12291. Finally, this action is not a rule as defined by Pub. L. 95-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 371

Authority delegations (Government agencies), Organizations and functions (Government agencies).

PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 continues to read as follows:

Authority: 5 U.S.C. 301.

§§ 371.5 and 371.6 [Amended]

2. 7 CFR Part 371 is amended by removing the words "Automated Data Systems Staff" and inserting in their place, the words "Information Systems and Communications Division" in the introductory paragraph and paragraph (d) of § 371.5 and in paragraph (d) of § 371.6.

Done in Washington, D.C., on November 1, 1985.

James W. Glosser,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 85-27221 Filed 11-14-85; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 287

Field Officers; Powers and Duties

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule; Correction.

SUMMARY: The Immigration and Naturalization Service is correcting an error in the listing of categories of Service officials who may issue subpoenas as published on July 24, 1985 at 50 FR 30133.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: In FR Doc. 85-17589 dated July 24, 1985 on page 30133, the Service published a final rule setting forth procedures for the issuance of subpoenas in connection with criminal and civil investigations and other immigration proceedings. In the listing of those categories of Service officials authorized to issue subpoenas, the category of assistant district director for investigations was erroneously omitted. This omission should have been included in § 287.4 (a)(1) and (c) and these paragraphs are being corrected as follows:

1. Section 287.4(a)(1) is corrected by inserting "Assistant District Director, Investigations" after Patrol Agents in Charge.

2. Section 287.4(c) is corrected by inserting "Assistant District Director, Investigations" after Officer-in-Charge.

Dated: November 7, 1985.

Raymond M. Kisor,

Associate Commissioner, Enforcement, Immigration and Naturalization Service.

[FR Doc. 85-27280 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 85-186]

Customs Regulations Amendment Relating to Referral of Seizures of Imported Obscene Articles

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations relating to the referral to the U.S. Attorney of cases involving the seizure of imported obscene articles pursuant to 19 U.S.C. 1305(a). The amendment requires that these cases be referred to the U.S. Attorney for possible institution of condemnation proceedings within 4 days, but in no event more than 14 days, after the date of Customs initial examination, and that the referral be initiated simultaneously with the mailing to the importer of the seizure notice and the form for assent to forfeiture of the articles. Under the existing regulation, the referral to the U.S. Attorney is not required until the importer declines to complete the assent to forfeiture form or fails to submit, within 30 days of notification of his privilege to do so, a petition for remission of the forfeiture and permission to export the seized articles. The change is necessary to conform the regulation to a Supreme Court decision that in order for seizures of obscene articles under 19 U.S.C. 1305(a) to be considered constitutional, the complaint for condemnation must be filed in the district court within 14 days after the initial seizure.

EFFECTIVE DATE: November 15, 1985.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: Ellen McClain, Office of the Chief Counsel, (202-566-2482). Operational Aspects: Linda Mays, Duty Assessment Division, (202-535-4142), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 305(a), Tariff Act of 1930 (19 U.S.C. 1305(a)), all persons are prohibited from importing into the U.S. from any foreign country ". . . any obscene booklet, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material. . . ." Section 1305(a) further provides that upon the appearance of any such book or matter at any Customs office, it shall be seized and held by the appropriate Customs officer to await the judgment of the district court. Upon seizure of the article, the Customs officer transmits information to the U.S. Attorney for the institution of proceedings in the district court for the forfeiture, confiscation, and destruction of the article. If adjudged to be obscene, the article may be destroyed.

Section 12.40, Customs Regulations (19 CFR 12.40), provides for the seizure of articles or matter prohibited entry by 19 U.S.C. 1305(a). If these articles are of small value and no criminal intent is apparent, a blank assent to forfeiture, Customs Form 4607, is sent to the importer with the notice of seizure. If the recipient completes and returns the form to Customs, the articles are destroyed if they are not needed for official use. However, it the importer declines to complete the assent to forfeiture form and fails to submit, within 30 days after being notified of his privilege to do so, a petition under section 618, Tariff Act of 1930 (19 U.S.C. 1618), for the remission of the forfeiture and permission to export the seized articles, information concerning the seizure is submitted to the U.S. Attorney for the institution of condemnation proceedings, pursuant to 19 U.S.C. 1305(a).

The Supreme Court, in its decision in *United States* v. *Thirty-Seven (37) Photographs*, 402 U.S. 363 (1971), held that 19 U.S.C. 1305(a) required intervals of no more than 14 days from seizure of the articles to the institution of judicial proceedings for their forfeiture, and no longer than 60 days from the filing of the action to final decision in the district court, in order for the seizure to be deemed constitutional. However, no seizure would be invalidated for delay where the claimant is responsible for extending either administrative action or judicial determination beyond the allowable time limits or where administrative or judicial proceedings are postponed pending the consideration of constitutional issues appropriate only for a three-judge court.

Subsequent to the above decision, Customs issued instructions to its field offices by Circular RES-11-RM, dated May 14, 1971, requiring that seizures of imported obscene materials made under 19 U.S.C. 1305(a) be referred to the U.S. Attorney, for the institution of forfeiture proceedings, not later than the fourth day, excluding intervening Saturdays, Sundays, and holidays, after the date on which the formal Customs seizure occurred, unless a timely referral is excepted because of a delay caused by the importer or anyone acting in his behalf. Recognizing that there might be undue delay between initial examination of the article and its formal seizure, Customs later modified these instructions in Circular RES-11-RM, XMAI-11-RM, dated October 1, 1971, to require obscenity seizures to be referred to the U.S. Attorney not later than the fourth day, excluding intervening weekend days and holidays, after the date on which the import shipment, baggage, or mail was initially examined or inspected by Customs, rather than the date of formal seizure. Also, mindful of the inconsistent language in § 12.40(e), Customs Regulations, allowing for referrals to the U.S. Attorney when an executed assent to forfeiture form has not been received from the addressee, within 30 days from notification to him of his right to file a petition for relief, Customs made a clarification of this issue in the modification. The clarification required referral within the 4-day period after initial examination or inspection, even if an executed assent to forfeiture form had not been received, thus superseding the referral procedures set forth in § 12.40(e).

To ensure that no seizure is subsequently held to be unconstitutional because of delay on the part of Customs, and to conform the regulations to the Court's decision in the *Thirty-Seven (37) Photographs* case and current Customs procedures; we are amending § 12.40(e), to require all obscenity seizures under 19 U.S.C. 1305(a) to be referred to the U.S. Attorney, for possible institution of condemnation proceedings, within 4 days, but in no event more than 14 days, after the date of Customs initial examination. The referral to the U.S. Attorney would be initiated simultaneously with the mailing of the seizure notice and the assent to forfeiture form.

The above case does not affect child pornography seizures made under 18 U.S.C. 2253 and 2254, the civil and criminal forfeiture provisions of the Child Protection Act of 1984 (Pub. L. 98-292, as amended). That act, which incorporates Customs seizure and forfeiture law by reference, 18 U.S.C. 2253, 2254, was amended in 1984 to define sexual exploitation of children without reference to "obscenity" with the express purpose of avoiding conflict with the First Amendment. *See* H.R. Rep. 536, 98th Cong., 2d Sess. (1983). *See also New York* v. *Ferber*, 458 U.S. 747 (1982). Therefore, the general Customs seizure and forfeiture laws apply to such seizure rather than those at 19 U.S.C. 1305.

Inapplicability of Public Notice and Delayed Effective Date Provisions

Inasmuch as this amendment merely conforms the regulations to existing law, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary, and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291

Because this document will not result in a "major rule" as defined by E.O. 12291, the regulatory analysis and review prescribed by the E.O. is not required.

Regulatory Flexibility Act

This document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*) That Act does not apply to any regulation, such as this, for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Drafting Information

The principal author of this document was Susan Terranova, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 12

Customs duties and inspection, Immoral articles, Pornography.

Amendment to the Regulations

Part 12, Customs Regulations (19 CFR Part 12), is amended as set forth below.

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The general authority citation for Part 12 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11, Tariff Schedules of the United States), 1624; section 12.40 also issued under 19 U.S.C. 1305.

2. Section 12.40 is amended by revising paragraph (e) to read as follows:

§ 12.40 Seizures; disposition of seized articles; reports to United States Attorney.

* * * * *

(e) All cases in which articles have been seized pursuant to 19 U.S.C. 1305(a) should be referred to the U.S. Attorney, for possible institution of condemnation proceedings, within 4 days, but in no event more than 14 days, after the date of Customs initial examination. The referral to the U.S. Attorney should be initiated simultaneously with the mailing to the importer of the seizure notice and the assent to forfeiture form. If the importer declines to execute an assent to forfeiture of the articles other than those mentioned in paragraph (a) of this section and fails to submit, within 30 days after being notified of his privilege to do so, a petition under section 618, Tariff Act of 1930 (19 U.S.C. 1618), for remission of the forfeiture and permission to export the seized articles, then the U.S. Attorney, who has already received information concerning the seizure pursuant to this paragraph, may proceed with the condemnation action.

William von Raab,

Commissioner of Customs.

Approved: September 12, 1985.

Edward T. Stevenson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 85-27036 Filed 11-14-85; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority regarding the approval of new drug applications (NDA's). This amendment will also delegate additional authorities to officials with regard to approval of supplemental applications to approved new drug applications.

EFFECTIVE DATE: November 15, 1985.

FOR FURTHER INFORMATION CONTACT: Melissa M. Moncavage, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: FDA is revising § 5.80 *Approval of new drug applications and their supplements* (21 CFR 5.80) to delegate additional authorities to officials listed under § 5.80(b) (1) and (2), with regard to approval of supplemental applications to approved new drug applications for drugs for human use and new drug applications for products that contain, in the same or different dosage form or strength, one or more active ingredient(s) identical to, or differing only in a salt or ester portion of, the ingredients(s) of an approved drug product already marketed in the United States. In the case of an application for a product with more than one active ingredient, there must be an approved product with the same combination of ingredients. This authorization does not include applications submitted for new molecular entities (new chemical entities) or new combinations. This authorization does not require or suggest that the officials listed in § 5.80(b) (1) and (2) will be, in all cases, the officials to take final action on applications of the types, described above, to which the authorization applies. Such applications may, in appropriate circumstances, continue to be acted upon by those officials who are so authorized in § 5.10(a) and the introductory text and paragraph (a) of § 5.80.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and function (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR Part 5 continues to read as follows:

Authority: Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)); 21 CFR 5.10.

2. In § 5.80 by revising the introductory text of paragraph (b) to read as follows:

§ 5.80 Approval of new drug applications and their supplements.

* * * * *

(b) The officials listed in paragraph (b) (1) and (2) of this section, for drugs under their jurisdiction, are authorized to perform all functions of the Commissioner of Food and Drugs with regard to approval of supplemental applications to approved new drug applications for drugs for human use that have been submitted under § 314.70 of this chapter and new drug applications for drug products that contain, in the same or different dosage form or strength, one or more active ingredient(s) identical to, or differing only in a salt or ester portion of, the ingredient(s) of an approved drug

product already marketed in the United States. In the case of an application for a product with more than one active ingredient, there must an an approved product with the same combination of active ingredients. This authorization does not include applications submitted for new molecular entities (new chemical entities) or new combinations. The applications to which this authorization applies may, in appropriate circumstances, continue to be acted upon by the officials so authorized in § 5.10(a) and the introductory text and paragraph (a) of this section

* * * * *

Dated: November 7, 1985.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 85-27317 Filed 11-14-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 175 and 176

[Docket No. 85F-0192]

Indirect Food Additives: Adhesives and Components of Coatings; Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of certain styrene/acrylate-based copolymers as components of adhesives and coatings intended for use in contact with food. This action responds to a petition filed by S.C. Johnson & Son, Inc.

DATES: Effective November 15, 1985; objections by December 16, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 5, 1985 (40 FR 23767), FDA announced that a food additive petition (FAP 4B3763) had been filed by S.C. Johnson & Son, Inc., Racine, WI 53403, proposing that the food additive regulations be amended to provide for the safe use of styrene/acrylate-based copolymers as components of coatings, inks, and adhesives intended for use in contact with food. During its review of this petition, the agency and the petitioner agreed that the use of the copolymer in ink was not intended for use in contact with food. Therefore, this use has been deleted from this petition.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive uses are safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the Notice of Filing for FAP 4B3763 (June 5, 1985; 50 FR 23767). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

Any person who will be adversely affected by this regulation may at any time on or before December 16, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 175

Adhesives, Food additives, Food packaging.

21 CFR Part 176

Food additives, Food packaging, Paper and paperboard.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Parts 175 and 176 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR Part 175 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Part 175 is amended in § 175.105(c)(5) by revising the heading "Polymers: Hemopolymers and copolymers of the following monomers" and by alphabetically inserting a new item under it, to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * *	
Polymers: Homopolymers and copolymers of the following monomers:	
* * * * *	
α-Methyl styrene	
* * * * *	

3. In § 175.300(b)(3)(xx) by alphabetically inserting a new item, to read as follows:

§ 175.300 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xx) * * *

* * * * *

Styrene polymers made by the polymerization of any combination of styrene or alpha methyl styrene with acrylic acid, methacrylic acid, 2-ethyl hexyl acrylate, methyl methacrylate, and butyl acrylate. The styrene and alpha methyl styrene, individually, may constitute from 0 to 80 weight percent of the polymer. The other monomers,

individually, may be from 0 to 40 weight percent of the polymer. The polymer number average molecular weight (M_n) shall be at least 2,000 (as determined by gel permeation chromatography). The acid number of the polymer shall be less than 250. The monomer content shall be less than 0.5 percent. The polymers are for use only in contact with food of Types IV–A, V, VII in table 1 of paragraph (d) of this section, under use conditions E through G in table 2 of paragraph (d), and with food of Type VIII without use temperature restriction.

* * * * *

4. In § 175.320(b)(3)(i) by alphabetically inserting a new item, to read as follows:

§ 175.320 Resinous and polymeric coatings for polyolefin films.

* * * * *

(b) * * *

(3) * * *

List of substances	Limitations
(i) Resins and polymers:	
* * * * *	
Styrene polymers made by the polymerization of any combination of styrene or alpha methyl styrene with acrylic acid, methacrylic acid, 2-ethyl hexyl acrylate, methyl methacrylate, and butyl acrylate. The styrene and alpha methyl styrene, individually, may constitute from 0 to 80 weight percent of the polymer. The other monomers, individually, may be from 0 to 40 weight percent of the polymer. The polymer number average molecular weight (M_n) shall be at least 2,000 (as determined by gel permeation chromatography). The acid number of the polymer shall be less than 250. The monomer content shall be less than 0.5 percent.	For use only in contact with foods of Types IV–A, V, and VII in table 1 of § 176.170(c) of this chapter, under use conditions E through G in table 2 of § 176.170(c), and with foods of Types VIII and IX without use temperature restriction.
* * * * *	

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

5. The authority citation for 21 CFR Part 176 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10, 5.61.

6. Part 176 is amended in § 176.170(b)(2) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * * *	
Styrene polymers made by the polymerization of any combination of styrene or alpha methyl styrene with acrylic acid, methacrylic acid, 2-ethyl hexyl acrylate, methyl methacrylate, and butyl acrylate. The styrene and alpha methyl styrene, individually, may constitute from 0 to 80 weight percent of the polymer. The other monomers, individually, may be from 0 to 40 weight percent of the polymer. The polymer number average molecular weight (M_n) shall be at least 2,000 (as determined by gel permeation chromatography). The acid number of the polymer shall be less than 250. The monomer content shall be less than 0.5 percent.	For use only in contact with foods of Types IV–A, V, and VII in table 1 of paragraph (c) of this section, under use conditions E through G in table 2 of paragraph (c), and with foods of Types VIII and IX without use temperature restriction.
* * * * *	

Dated: November 5, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–27125 Filed 11–14–85; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 176

[Docket No. 84F–0073]

Indirect Food Additives; Paper and Paperboard Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of styrene copolymers in coatings on paper and paperboard intended for use in contact with food. This action responds to a petition filed by Rohm & Haas Co.

DATES: Effective November 15, 1985; objections by December 16, 1985.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Thomas C. Brown, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 27, 1984 (49 FR 11715), FDA announced that a petition (FAP 4B3785) had been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that the food additive regulations be amended to provide for the safe use of styrene copolymers with methacrylate and acrylate comonomers in coatings on paper and paperboard intended for use in contact with food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(1).

Any person who will be adversely affected by this regulation may at any time on or before December 16, 1985 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging, Paper and paperboard.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority for 21 CFR Part 176 is revised to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 176.170(b)(2) by alphabetically inserting a new item in the list of substances to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	* *
Styrene-acrylic copolymers (CAS Reg. No. 25950-40-7 produced by polymerizing 77 to 83 parts by weight of styrene with 13 to 17 parts of methyl methacrylate, 3 to 4 parts of butyl methacrylate, 0.5 to 2.5 parts of methacrylic acid, and 0.1 to 0.3 part of butyl acrylate such that the finished copolymers have a minimum number average molecular weight greater than 100,000 and a level of residual styrene monomer in the polymer not to exceed 0.1 percent by weight.	For use only as a component of coatings and limited to use at a level not to exceed 20 percent by weight of the coating solids.
* * *	* *

Dated: November 5, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-27134 Filed 11-14-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 85F-0059]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to delete the temperature limitation on use of poly(oxy-p-phenylenesulfonyl-p-phenylene) resins as a component of repeated use food-contact articles. This action responds to a petition filed by ICI Americas, Inc.

DATES: Effective November 15, 1985; objections by December 16, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 26, 1985 (50 FR 7836), FDA announced that a petition (FAP 4B3819) had been filed by ICI Americas, Inc., Wilmington, DE 19897, proposing that § 177.2440 (21 CFR 177.2440) be amended to delete the temperature limitation on use of poly(oxy-*p*-phenylenesulfonyl-*p*-phenylene) resins as a component of repeated use food-contact articles.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(2).

Any person who will be adversely affected by this regulation may at any time on or before December 16, 1985 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for public hearing on the stated objection. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the

objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR Part 177 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 177.2440 by revising the introductory paragraph to read as follows:

§ 177.2440 Polyethersulfone resins.

Polyethersulfone resins identified in paragraph (a) of this section may be safely used as articles or components of articles intended for repeated use in contact with food in accordance with the following prescribed conditions:

* * * * *

Dated: November 5, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-27131 Filed 11-14-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 85F-0183]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of hydrogen peroxide for sterilizing food-contact surfaces prepared from polycarbonate resins. This action responds to a petition filed by General Electric Co.

DATES: Effective November 15, 1985; objections by December 16, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 17, 1985 (50 FR 20624), FDA announced that a petition (FAP 5B3858) had been filed by General Electric Co., Highway 69 South, Mt. Vernon, IN 47620-9364, proposing that 21 CFR 178.1005 of the food additive regulations be amended to provide for the safe use of hydrogen peroxide for sterilizing food-contact surfaces prepared from polycarbonate resins.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(5).

Any person who will be adversely affected by this regulation may at any time on or before December 16, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual invormation intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 178.1005 by revising paragraph (e)(1), to read as follows:

§ 178.1005 Hydrogen peroxide solution.

* * * * *

(e) *Conditions of use.* (1) Hydrogen peroxide solution identified in and complying with the specifications in this section may be used by itself or in combination with other processes to treat food-contact surfaces prepared from ionomeric resins complying with § 177.1330 of this chapter, ethylene-methyl acrylate copolymer resins complying with § 177.1340 of this chapter, ethylene-vinyl acetate copolymers complying with § 177.1350 of

this chapter, olefin polymers complying with § 177.1520 of this chapter, polycarbonate resins complying with § 177.1580 of this chapter, and polyethylene terephthalate polymers complying with § 177.1630 of this chapter (excluding polymers described in § 177.1630(c)) to attain commercial sterility at least equivalent to that attainable by thermal processing for metal containers as provided for in Part 113 of this chapter.

* * * * *

Dated: November 5, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-27130 Filed 11-14-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 84F-0151]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the food additive regulations to provide for the safe use of certain stabilizers for polyvinyl chloride and vinyl chloride copolymers intended for use in contact with food. This document corrects editorial errors.

EFFECTIVE DATE: September 19, 1985.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In FR Doc. 85-22377 appearing on page 37997 of the issue of Thursday, September 19, 1985, the following corrections are made:

1. On page 37997, third column, the last sentence in the last complete paragraph is corrected to read "Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(1)."

2. On page 37998, under § 178.2650 *Organotin stabilizers in vinyl chloride plastics*, in the introductory paragraph, in the 1st line the word "octyltin" is corrected to read "organotin"; and in paragraph (a)(5), in the 8th line the word "chloride" is corrected to read "dichloride"; in the 14th line the word "chloride" is corrected to read "dichloride"; and in the 17th line the first word "chloride" is corrected to read "trichloride".

Dated: November 5, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-27132 Filed 11-14-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 430, 436, 444, 446, 450, 452, and 455

[Docket No. 85N-0485]

Antibiotic Drugs; Updating and Technical Changes

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations by making a correction, updatings, and noncontroversial technical changes in certain regulations providing for accepted standards of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulations.

DATES: Effective November, 15, 1985; comments, notice of participation, and request for hearing by December 16, 1985; data, information, and analyses to justify a hearing by January 14, 1986.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (HFN-815), Food and Drug Administration 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA is amending the antibiotic drug regulations by making a correction, updatings, and noncontroversial technical changes in certain antibiotic drug regulations that provide for accepted standards of antibiotic and antibiotic-containing drugs intended for human use. In one instance, the need for a change was called to FDA's attention by an industry representative. To aid the reader in understanding the types of amendments in this document, the amendments are grouped into three general classes for discussion in this preamble: correction, updatings, and technical changes.

Correction

In § 450.222(a)(1), (a)(3)(i)(*b*), and (b)(4), the words "histamine" or "histamine-like" are replaced with the phrase "depressor substances." This amendment to § 450.222 was inadvertently omitted in the final rule published in the **Federal Register** of December 11, 1981 (46 FR 60567).

Updatings

1. FDA is removing and reserving §§ 444.542a(a)(1) (i)(*h*) and (*i*), 455.3, and 455.503a.

In a Drug Efficacy Study Implementation (DESI) notice published in the **Federal Register** of April 23, 1982 (47 FR 17677), FDA withdrew approval of the new drug applications for certain topical anti-infective drug products on the basis that the products lack substantial evidence of effectiveness.

As a result of this withdrawal, the monographs (regulations) providing accepted standards for Caldecort Ointment containing neomycin sulfate, hydrocortisone acetate, and calcium undecylenate; Neo-Tarcortin Ointment containing neomycin sulfate, hydrocortisone, and coal tar extract; and Amphocortrin Cream containing calcium amphomycin, neomycin sulfate, and hydrocortisone acetate are being removed. Also, conforming amendments are made to Parts 430 and 436 where applicable.

2. Sections 446.567a and 446.567e are removed.

In a DESI notice published in the **Federal Register** of September 17, 1984 (49 FR 36442), FDA withdrew the approval of the new drug application for Terra-Cortril Topical Ointment containing oxytetracycline hydrochloride and hydrocortisone on the basis that the combination drug product lacks substantial evidence of effectiveness. Therefore, the monographs (regulations) providing accepted standards for this combination product are being removed.

3. In § 452.510a, the third sentence in paragraph (a)(1) is revised. In a DESI notice published in the **Federal Register** of September 17, 1984 (49 FR 36441), FDA withdrew approval of the new drug application for Ilotycin No. 90 Ointment containing erythromycin on the basis that the product lacks substantial evidence of effectiveness. Therefore, the monograph (regulation) for erythromycin ointment is being amended to remove accepted standards for this product.

Technical Changes

1. In § 436.542(b)(2), the pH of the dissolution medium used in the acid resistance/dissolution test for enteric-coated erythromycin pellets is lowered from 7.5 to 6.8±0.01 in order for the dissolution medium to more closely simulate the conditions of the body. The

sole manufacturer of this product supports this revision.

2. In § 452.110c(b)(3), the *Q* value (the amount of erythromycin dissolved) is revised from "80 percent at 60 minutes" to "85 percent at 45 minutes." The sole manufacturer has submitted adequate data to support this revision.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

These amendments institute changes that are corrective, editorial, or of a minor substantive nature. Because the amendments are not controversial and because when effective they provide notice of accepted standards, FDA finds that notice, public procedure, and delayed effective date are unnecessary and not in the public interest. The amendments, therefore, shall become effective November 15, 1985. However, interested persons may, on or before December 16, 1985, submit written comments on this regulation to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before December 16, 1985, a written notice of participation and request for hearing, and (2) on or before January 14, 1986, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order, and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 430

Administrative practice and procedure, Antibiotics.

21 CFR Part 436

Antibiotics.

21 CFR Part 444

Antibiotics, Oligosaccharide.

21 CFR Part 446

Antibiotics, tetracycline.

21 CFR Part 450

Antibiotics, antitumor.

21 CFR Part 452

Antibiotics, macrolide.

21 CFR Part 455

Antibiotics, certain other.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 430, 436, 444, 446, 450, 452, and 455 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. The authority citation for 21 CFR Part 430 is revised to read as follows:

Authority: Secs. 507, 701(a), 59 Stat. 463 as amended, 52 Stat. 1055 (21 U.S.C. 357, 371(a)); 21 CFR 5.10.

2. Part 430 is amended:

§ 430.4 [Amended]

a. In § 430.4 *Definitions of antibiotic substances*, by removing and reserving paragraph (a)(8).

§ 430.5 [Amended]

b. In § 430.5 *Definitions of master and working standards*, by removing and reserving paragraphs (a)(10) and (b)(12).

§ 430.6 [Amended]

c. In § 430.6 *Definitions of the terms "unit" and "microgram" as applied to antibiotic substances*, by removing and reserving paragraph (b)(10).

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

3. The authority citation for 21 CFR Part 436 is revised to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

4. Part 436 is amended:

§ 436.105 [Amended]

a. In § 436.105 *Microbiological agar diffusion assay*, by removing the item "Amphomycin" from the tables in paragraphs (a) and (b).

b. In § 436.542 by revising the second sentence in paragraph (b)(2) to read as follows:

§ 436.542 Acid resistance/dissolution test for enteric-coated erythromycin pellets.

* * * * *

(b) * * *

(2) * * * Add 190 milliliters of 0.2*N* sodium hydroxide and 400 milliliters of water and adjust the resulting solution with 0.2*N* sodium hydroxide to a pH of 6.8±0.1. * * *

* * * * *

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

5. The authority citation for 21 CFR Part 444 is revised to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

§ 444.542a [Amended]

6. In § 444.542a *Neomycin sulfate ointment; neomycin sulfate*_____ointment (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section), by removing and reserving paragraph (a)(1)(i)(*h*) and (*i*).

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

7. The authority citation for 21 CFR Part 446 is revised to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

8. Part 446 is amended:

§ 446.567a [Removed]

a. By removing § 446.567a *Oxytetracycline hydrochloride-hydrocortisone topical ointment.*

§ 446.567e [Removed]

b. By removing § 446.567e Oxytetracycline hydrochloride-polymyxin B sulfate-hydrocortisone aerosol topical.

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

9. The authority citation for 21 CFR Part 450 is revised to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

§ 450.222 [Amended]

10. In § 450.222 *Daunorubicin hydrochloride for injection,* in the fifth sentence of paragraph (a)(1) "histamine nor histamine-like substances" is revised to read "depressor substances"; in paragraph (a)(3)(i)(*b*) and in the heading in paragraph (b)(4) "histamine" is revised to read "depressor substances."

PART 452—MACROLIDE ANTIBIOTIC DRUGS

11. The authority citation for 21 CFR Part 452 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

12. Part 452 is amended:

a. In § 452.110c by revising the last sentence in paragraph (b)(3) to read as follows:

§ 452.110c Erythromycin capsules.

* * * * *

(b) * * *

(3) * * * The quantity *Q* (the amount of erythromycin dissolved) is 85 percent at 45 minutes.

b. In § 452.510a by revising the third sentence in paragraph (a)(1) to read as follows:

§ 452.510a Erythromycin ointment.

(a) * * *

(1) * * * Each gram of ointment contains 20 milligrams of erythromycin. * * *

* * * * *

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

13. The authority citation for 21 CFR Part 455 is revised to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

14. Part 455 is amended:

§ 455.3 [Removed]

a. By removing § 455.3 *Calcium amphomycin.*

§ 455.503a [Removed]

b. By removing § 455.503a *Calcium amphomycin-neomycin sulfate-hydrocortisone acetate cream.*

Dated: November 5, 1985.

Sammie R. Young,

Acting Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 85-27128 Filed 11-14-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF STATE

22 CFR Part 151

[Dept. Reg. 108.844]

Compulsory Liability Insurance for Foreign Missions and Personnel

AGENCY: Office of Foreign Missions, State.

ACTION: Final rule.

SUMMARY: The Director of the Office of Foreign Missions has determined that the existing minimum limits were not adequate. The Director has determined that an adequate level is $300,000 combined single limit, except in cases where, as a result of special factors, a different limit can be expected to afford adequate compensation. Since the minimun limits have been set at a level considered to provide adequate compensation, there is no longer a need to designate recommended limits as in § 151.5. Consequently, that section is removed.

EFFECTIVE DATE: March 15, 1985.

FOR FURTHER INFORMATION CONTACT: Ralph Chiocco, Operations Officer, Office of Foreign Missions (202) 673-6258.

SUPPLEMENTARY INFORMATION: Section 6 of the Diplomatic Relations Act required the President to establish, by regulation, liability insurance requirements to be met by each mission, members of the mission and their families, and those officials of the United Nations who are entitled to diplomatic immunity. The President delegated this function to the Secretary of State, who issued regulations on May 21, 1979. Congress amended section 6 in 1983 to substitute the Director of the Office of Foreign Missions within the Department of State for the President, and added the condition that the liability insurance requirements "reasonably be expected to afford adequate compensation to victims."

The Dirctor of the Office of Foreign Missions has determined that the existing minimum limits were not adequate. The Director has determined that an adequate level is $300,000 combined single limit, except in cases where, as a result of special factors, a different limit can be expected to afford adequate compensation. By Circular Diplomatic Note dated January 29, 1985, the Department of State notified all foreign missions that each vehicle registered to a mission or mission member would be required to maintain liability insurance at the level of $300,000 combined single limit, effective March 15, 1985. Since the minimum limits have been set at a level considered to provide adequate compensation, there is no longer a need to designate recommended limits as in § 151.5. Consequently, that section is deleted.

In accordance with 5 U.S.C. 553(b)(B) notice and public procedure is found to be unnecessary and contrary to the public interest because the general public benefits from the increased coverage and because delay might be prejudical to persons who may be injured by individuals possessing diplomatic immunity.

List of Subjects in 22 CFR Part 151

Aircrafts, Foreign officials, Insurance, Motor vehicles, Vessels.

Accordingly, under the authority of section 6 of the Diplomatic Relations Act (Pub. L. 95-393; 22 U.S.C. 254e) as amended (Pub. L. 98-164, S 602; 22 U.S.C. 254e), Part 151 is amended to read as follows:

PART 151—[AMENDED]

1. The Authority for Part 151 is revised to read as follows:

Authority: Section 6 of the Diplomatic Relations Act (Pub. L. 95-393; 22 U.S.C. 254e) as amended (Pub. L. 98-164, S 602; 22 U.S.C. 254e).

2. Section 151.4 is revised to read as follows:

§ 151.4 Minimum limits for motor vehicle insurance.

The insurance shall provide not less than $300,000 combined single limit for all bodily injury liability and property damage liability arising from a single incident, except where the Director of the Office of Foreign Missions grants a special exception.

§ 151.5 [Removed]

3. 22 CFR 151.5 is removed.

Dated: October 17, 1985.

James E. Nolan, Jr.,

Director, Office of Foreign Missions.

[FR Doc. 85-27089 Filed 11-14-85; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

Approval of Amendments to the Colorado Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 906 by approving amendments to the Colorado program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments provide authority for Colorado to issue cessation orders for all unpermitted surface coal mining and reclamation operations and all unapproved coal exploration operations. In addition, it establishes a minimum civil penalty of $1,750 and allows the State to assess the maximum penalty of $5,000 for conducting such unapproved or unpermitted operations. After providing an opportunity for public comment and conducting a thorough review of the program amendments in accordance with 30 CFR 732.17, the Director has decided to approve the modifications as discussed below. The Director is amending 30 CFR Part 906 to codify this decision on the Colorado program.

This final rule is being made effective immediately in order to expedite the State program amendment process and to encourage the State to conform its program to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: November 15, 1985.

FOR FURTHER INFORMATION CONTACT: Arthur Abbs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW, Washington, DC 20240; Telephone: (202) 343-5361.

SUPPLEMENTARY INFORMATION:

I. Background on the Colorado Program

On February 29, 1980, Colorado submitted its proposed permanent regulatory program to the Secretary of the Interior. On December 15, 1980, following a review in accordance with 30 CFR Part 732, the Secretary approved the program subject to the correction of 45 minor deficiencies. Information pertinent to the general background and revisions to the permanent program submission, as well as the Secretary's findings, the disposition of comments and an explanation of the initial conditions of approval can be found in the December 15, 1980 **Federal Register** (45 FR 82173-82214). Since then, the Colorado program has been amended several times, removing all but seven conditions.

II. Submission of Amendment and Public Comment

On August 28, 1985, Colorado submitted two proposed regulatory amendments for OSM's approval (OSM Administrative Record No. CO-243). The amendments include a revision to the State regulation at 2 CCR 407-2, 5.03.2(1) to clarify that Colorado has the authority to issue cessation orders for all unpermitted surface coal mining and reclamation operations and all unapproved coal exploration operations. Also, the State rule at 2 CCR 407-2, 5.04.5(2) is revised to impose a minimum $1,750 civil penalty on persons responsible for such operations and to allow the regulatory authority to assess the maximum penalty of $5,000 for illegal or unpermitted operations.

On September 25, 1985, OSM announced receipt of these provisions and invited public comment for 30 days on the adequacy of the provisions in satisfying the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17 (50 FR 38860). No comments were submitted to OSM during this comment period.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Colorado on August 28, 1985, meet the requirements of SMCRA and 30 CFR Chapter VII as discussed below.

1. Colorado has revised State rule 5.03.2(1), Cessation Orders and Notices of Violation, to add a new paragraph (b) and to redesignate the previous paragraph (b) as paragraph (c). The new paragraph (b) provides that conducting surface coal mining operations without a permit or exploration approval can reasonably be expected to cause significant imminent environmental harm to land, air or water resources. The State is required under paragraph (a) of State rule 5.03.2(1) to order a cessation of operations if it is determined they constitute a condition which causes "imminent environmental harm". By designating unapproved or unpermitted operations as "imminent harm" situations, the State is thereby authorized to order an immediate cessation of such operations.

The Director finds new paragraph (b) under State rule 5.03.2(1) to be consistent with the Federal regulation at 30 CFR 843.11(a)(2). As revised the State rule incorporates sanctions no less stringent than those set forth in the Federal requirements. Therefore, the Director is approving the revised regulation as a program amendment.

2. State regulation 5.04.5(2), System for Assessment of Civil Penalties, has been revised to include a new paragraph (2) and redesignate previous paragraph (2) as paragraph (3). The new paragraph provides that the State shall assess a minimum civil penalty of $1,750 and a maximum of $5,000 for each violation contained within a cessation order for conducting surface coal mining operations without a valid permit or conducting coal exploration without the required written approval. Also, the new provision stipulates that increases in the amount of penalty beyond the minimum shall be based on the criteria regarding seriousness and fault set forth under State rules 5.04.5(3) (b) and (c). Prior to revising this rule, the State was not able to assess the maximum penalty of $5,000 to any person conducting operations without a permit or the required coal exploration approval. The maximum amount that could be assessed was $3,250. The Federal rules do not establish a minimum penalty for unapproved or unpermitted operations. The Director finds that the State rule, as revised, incorporates penalties no less stringent than those set forth under the Federal requirements. Therefore, he is approving the revised State provision as a program amendment.

IV. Additional Determinations

1. Compliance With the National Environmental Policy Act

The Secretary has determined that pursuant to section 702(d) of SMRA, 30 U.S.C. 1292(d), no environmental impact statement need be parpared for this rulemaking.

2. Compliance With the Regulatory Flexibility Act

The Secretary hereby determines that this proposed rule will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601 *et seq.*). This rule will not impose any new

requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Compliance with Executive Order No. 12291

On August 28, 1981, the Office of Management and Budget (OMB) granted the Office of Surface Mining an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for all actions taken to approve, or conditionally approve, State regulatory programs, actions, or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB is not needed for this program amendment

List of Subjects in 30 CFR Part 906

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 8, 1985.

James W. Workman,

Acting Director, Office of Surface Mining.

1. The authority citation for Part 906 continues to read as follows:

Authority: Pub L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. Section 906.15 is amended by adding a new paragraph (d) to read as follows:

§ 906.15 Approval of Amendments to State Regulatory Programs.

* * * * *

(d) The following amendments are approved effective November 15, 1985.

(1) State rule 5.03.2(1) as revised in final form by Colorado on August 10, 1985, and submitted to OSM on August 28, 1985.

(2) State rule 5.04.5(2) as revised in final form by Colorado on August 10, 1985, and submnitted to OSM on August 28, 1985.

[FR Doc. 85-27182 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 916

Approval of Permanent Program Amendments From the State of Kansas Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of certain amendments to the Kansas permanent regulatory program (hereinafter referred to as the Kansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

By letter dated April 4, 1985, Kansas submitted program amendments consisting of revisions to its program which govern assessing fees, general reporting for program implementation, the definition of "moist bulk density", applications for mining permits, civil penalties, reclamation of forfeited mine sites, performance standards, blaster training and certification, and inspection and enforcement. The amendments also included eight memoranda of understanding (MOU) with State agencies to assist Kansas in the technical review of permits. OSM published a notice in the **Federal Register** on May 13, 1985, announcing receipt of the amendments and inviting public comment on the adequacy of the proposed amendments (50 FR 19953). The public comment period ended June 12, 1985.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Director of OSM has determined that the amendments meet the requirements of SMCRA and the Federal regulations. Accordingly, the Director is approving the amendments and has notified Kansas of additional actions that are required in order for the State to implement its blaster certification program. The Federal regulations at 30 CFR Part 916 which codify decisions on the Kansas program are being amended to implement these actions.

This final rule is being made effective immediately in order to expedite the State program amendment process and encourage States to bring their programs into conformity with the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: November 15, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Sandberg, Acting Director, Kansas City Field Office, Office of Surface Mining, Room 502, 1103 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

SUPPLEMENTARY INFORMATION:

I. Background

The Kansas program was conditionally approved by the Secretary of the Interior on January 21, 1981. Information pertinent to the general background, revisions, modifications, and amendments to the Kansas program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Kansas program can be found in the January 21, 1981 **Federal Register** (46 FR 5892).

By letter dated April 4, 1985, Kansas submitted program amendments consisting of the following:

1. A revision of K.S.A. 1984 Supp. 49-406(g) which creates a per ton assessment mechanism.

2. K.A.R. 47-1-11 adds a general reporting regulation giving the Kansas regulatory authority the authority to require specific reports needed to properly implement its program.

3. The term "moist bulk density" has been added to the definitions in K.A.R. 47-2-75.

4. K.A.R. 47-3-42 has been amended to clarify and update requirements for applications for mining permits.

5. Article 5—Civil Penalties—has been amended to incorporate changes made to the Federal regulations.

6. K.A.R. 47-8-9 has been amended to delete language requiring forfeited bonds be placed in an interest-bearing escrow account and allows the surety, after demonstrating its ability to do reclamation, to reclaim forfeited sites.

7. Article 9—Performance Standards—has been amended to clarify and update performance standards in compliance with revised Federal regulations.

8. Article 13 has been added to fulfill Federal requirements for a program to train and certify blasters.

9. Article 15—Inspection and Enforcement—has been revised to reflect changes made to Federal regulations.

10. Inclusion of eight memoranda of understanding with State agencies to assist Kansas in reviewing mining permits for technical adequacy.

OSM published a notice in the **Federal Register** on May 13, 1985 (50 FR 19953) announcing receipt of the amendments and inviting public comment on the adequacy of the proposed amendments. The notice stated that a public hearing would be held only if requested. Since there were no requests for a hearing, a hearing was not held. The public comment period closed June 12, 1985.

II. Director's Findings

A. General Finding

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Kansas on April 4, 1985, meet the requirements of SMCRA and 30 CFR Chapter VII with certain exceptions discussed below. Only those provisions of particular concern are discussed in the specific findings which follow. Discussion of only those provisions for

which specific findings are made does not imply any deficiency in any provision not discussed. The provisions not specifically discussed are found to be no less stringent than SMCRA and no less effective than the Federal rules. All of the amended provisions are cited at the end of this notice in the amendatory language for section 916.15.

B. Specific Findings

1. Kansas submitted an amendment to K.S.A. 1984 Supplement section 49–406(g), the Mined Land Conservation and Reclamation Act, authorizing assessment of a per ton fee for administering and enforcing the State program. This is identical to the amendment that OSM approved on June 8, 1984 (49 FR 23834–23836). Therefore, the Director finds that although there is no comparable Federal provision, the resubmitted Kansas amendment is consistent with the Federal Act and regulations.

2. Kansas has added K.A.R. 47–1–11 to give the Board and its Executive Director explicit authority to require any permittee to establish and maintain appropriate records, make monthly reports, use monitoring equipment, evaluate results, and provide any other information that is deemed necessary and reasonable. Section 517(b)(1) of SMCRA contains virtually identical language. The Federal rules implement this statutory provision through specific regulations in various subject areas, such as hydrology, permitting and subsidence. As such, the Director finds that the Kansas regulations are consistent with SMCRA and no less effective than the Federal rule.

3. Kansas has amended K.A.R. 47–2–75 to add a definition for the term "moist bulk density." Kansas rule K.A.R. 47–2–75(b) incorporates by reference definitions in 30 CFR 701.5 as they existed on May 8, 1980. The May 8, 1980 Federal definition of "moist bulk density" has not been revised and is identical to the existing definition. Therefore, the Director finds that the Kansas regulation is no less effective than the Federal rule.

4. Kansas has amended K.A.R. 47–3–42(a)(45), concerning public notices of filing of permit applications, to correct a cross-reference. K.A.R. 47–3–42(a)(23), concerning the blasting operation plan, has been amended to incorporate by reference the Federal regulation at 30 CFR 780.13 as it existed on March 8, 1983. The Director finds that these changes are no less effective than the Federal rules at 30 CFR 780.13.

5. Kansas has amended K.A.R. 47–5–5a to incorporate by reference OSM's civil penalty rules as they existed on November 1, 1983, and to correct several cross-references. K.A.R. 47–5–5a incorporates 30 CFR 845.11—845.19, and K.A.R. 47–5–16(c) provides that the refunded amount of any escrowed civil penalty shall include "any interest that is accrued from date of payment into escrow to the date of the refund." The Federal rule at 30 CFR 845.20(c) requires that interest be paid on any refund at the rate of six percent or at the prevailing Treasury Department rate, whichever is greater. The Director finds that the Kansas regulations are no less effective than the Federal regulations.

6. Kansas has amended K.A.R. 47–9–1(j), concerning bond forfeiture, to remove the requirement that forfeited bonds be deposited in an interest-bearing escrow account. The amended rule is no less effective than 30 CFR 800.50(b), which does not specify a requirement for depositing forfeited bonds in an interest-bearing escrow account. Kansas has added K.A.R. 47–8–9a to allow the surety company to complete reclamation if the surety can demonstrate the ability to complete the reclamation plan, including the capability to support the alternative postmining land use. The Director finds that the rule is no less effective than 30 CFR 800.50(a)(2)(ii).

7. Kansas has amended K.A.R. 47–9–1 (c) and (d) to delete subsection (f) of 30 CFR 816.11 and 817.11 (as existing on May 8, 1980) and replace it with a new subsection (f). The new subsection (f) provides that the Board may require increment boundary markers to be placed on each portion of a permit area on which a performance bond or other equivalent guarantee was or will be posted. This provision is not inconsistent with the current Federal rules, which do not specify boundary marker requirements for areas under bonds. However, Kansas should be advised that the U.S. District Court for the District of Columbia has remanded 30 CFR 800.11(b), holding that it contradicts section 509(a) of SMCRA "to the extent that it allows the bond to be posted for an area less than the entire area to be mined within the initial permit term." The court held that all bonds must apply to the entire area within the permit area upon which surface coal mining and reclamation operations will be conducted during the initial permit term. The Director finds that the Kansas provision is not inconsistent with the Federal rules or the court decision. However, if necessary, Kansas will be notified through the regulatory review process to amend its bonding regulations to comply with the court's ruling and to be no less effective than the Federal regulations.

Kansas has amended K.A.R. 4–9–1 (c) and (d) to adopt 30 CFR 816.42 and 817.42, concerning water quality standards and effluent limitations, as those sections existed on November 1, 1983. Kansas has amended K.A.R. 4–9–1 (c) and (d) to adopt 30 CFR 816.61–816.68 and 817.61–817.68 as those sections existed on November 1, 1983. The Director finds that these amendments are no less effective than the Federal rules.

Kansas has added K.A.R. 47–9–2, concerning revegetation, to allow the Board to require the permittee to cut the vegetative cover, remove rocks that are nine inches or larger, or carry out any other measures which promote the control and revegetation of the permit area and are consistent with the approved postmining land use. This requirement is in addition to the other revegetation requirements in 30 CFR Parts 816 and 817. Therefore, the Director finds that although there is no comparable Federal provision, the Kansas amendment is consistent with the Federal Act and regulations and no less effective than 30 CFR 816.111–816.116 and 817.111–817.116.

Kansas has added K.A.R. 47–9–3 to allow the Board to approve alternate engineering designs to those set forth or referenced in its rules if certain criteria are met. Kansas has explained that the purpose of this amendment is to provide the Board with the flexibility of OSM's 1983 regulations while ensuring that certain conditions must be satisfied before alternative designs may be approved. The Kansas program generally incorporates by reference the specific design criteria of OSM's 1979 regulations, many of which were removed during regulatory reform and replaced with performance standards. Therefore, the Director finds that the Kansas rule is not, by itself, inconsistent with the Federal rules. However, Kansas will need to ensure that its program includes the minimum design requirements and performance standards now contained in OSM's rules. Kansas will be notified of any required changes to its regulations when the Kansas regulatory reform review is completed.

8. K.A.R. 47–13–4 incorporates by reference 30 CFR Part 850 as it existed on November 1, 1983, except for 30 CFR 850.10 and 850.12. Those are the information collection and responsibility sections—neither of which are applicable to the State. K.A.R. 47–13–4 also provides that the State Fire Marshal shall be responsible for issuing blaster certificates. Further, K.A.R. 47–13–4 provides that a board-approved blaster

training program director will be responsible for examining candidates for blaster certification. This approach is no less effective than that established in the Federal regulations at 30 CFR Part 850. The Federal regulations do not require the regulatory authority to conduct examinations, certify blasters and establish training facilities and courses itself, but to ensure that such a program is available in the State. The program amendment as submitted does not contain any information on the written examination. Prior to program implementation it will be necessary for Kansas to provide information of how the written examination will be administered, and to allow OSM to evaluate the examination to determine if the minimum topics set forth in 30 CFR 815.13(b) are included. Upon completion of this review by OSM the Mined Land Conservation and Reclamation Board will be notified, if appropriate, that the training, examination and certification provisions of the Kansas program can be implemented.

Kansas has added K.A.R. 47–13–5 which specifies the responsibilities of operators and blasters-in-charge. The rule is no less effective than the Federal rules at 30 CFR 816.61, 817.61 and 850.13(a).

Kansas has added K.A.R. 47–13–6 to require each person who seeks a blaster certification to document successful completion of a board-approved blaster training program and to file such documentation with the application for certification by the State Fire Marshal. This provision is no less effective than the Federal rules at 30 CFR 850.13 and 850.14. Prior to implementation, the Director is requiring that Kansas submit information on the blaster certification examination and how it will be administered for evaluation by OSM. The Director finds the Kansas provisions for training, examination and certification of blasters are no less effective than the requirements established in the Federal rules.

9. Kansas has added K.A.R. 47–15–1a to incorporate by reference certain rules in 30 CFR Parts 840–843 as they existed on November 1, 1983, with appropriate changes to reflect a State, rather than a Federal, regulatory authorty. The Director finds that the Kansas regulations at K.A.R. 47–15–1a are no less effective than the Federal regulations.

10. Kansas is proposing to amend the systems section of its program and has submitted eight memoranda of understanding between the Mined-Land Conservation and Reclamation Board and various State agencies which have duties under the State program. The MOUs generally outline the state agencies' duties to review permit applications and provide information as necessary on unsuitability petitions and other requirements under the approved State program. The Director finds that the MOUs are consistent with SMCRA and no less effective than the Federal regulations in implementing Kansas' program.

III. Public Comment

No public comments were received on these amendments.

IV. Director's Decision

The Director, based on the above findings, is approving the Kansas program amendments as submitted on April 4, 1985, under the provisions of 30 CFR 732.17. The Federal rules at 30 CFR Part 916 are being amended to implement this decision.

V. Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption for sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 916

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 8, 1985.

James W. Workman,

Acting Director, Office of Surface Mining.

PART 916—KANSAS

30 CFR Part 916 is amended as follows:

1. The authority citation for Part 916 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 916.15 is amended by adding a new paragraph (e) as follows:

§ 916.15 Approval of regulatory program amendments.

* * * * *

(e) The following amendments submitted April 4, 1985, are approved effective November 15, 1985.

(1) K.S.A 1984 Supp. 49–406(g).

(2) Revisions amending Kansas regulations K.A.R. 47–1–11, K.A.R. 47–2–75, K.A.R. 47–3–42(a)(45), K.A.R. 47–3–42(a)(23), K.A.R. 47–3–42, K.A.R. 47–Article 5, K.A.R. 47–8–9(j), K.A.R. 47–8–9a, K.A.R. 47–9–1, K.A.R. 47–9–2, K.A.R. 47–9–3, K.A.R. 47–13–4, K.A.R. 47–13–5, K.A.R. 47–13–6, and K.A.R. 47–Article 15.

(3) Memoranda of understanding with the following State agencies: Fish and Game Commission, Division of Water Resources, Department of Health and Environment, State Geological Survey, State Historical Society, State Water Office, State Conservation Commission and State Fire Marshal.

§ 916.16 [Removed]

3. Section 916.16 is removed and reserved.

[FR Doc. 85–27184 Filed 11–14–85; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 925

Extension of Deadline for Submission of Program Amendment to the Missouri Permanent Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing its decision to further extend the deadline for Missouri to: (1) Promulgate rules governing the training, examination and certification of blasters, and (2) develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in surface coal mining operation.

On August 6, 1984, Missouri requested an extension of time for the development of a blaster certification program. On October 26, 1984, OSM announced its decision to extend Missouri deadline to August 6, 1985 (49 FR 43055). On August 4, 1985, Missouri requested an additional one-year extension to submit a blaster training program and examination. All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulation provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. In accordance with the State's request, the Director is granting the State an additional one year extension of time to submit a proposed blaster certification program.

EFFECTIVE DATE: November 15, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Charles E. Sandberg, Acting Field Office Director, Kansas City Field Office, Office of Surface Mining, 1103 Grand Avenue, Professional Building, Room 502, Kansas City, Missouri; Telephone: (816) 374-5527.

SUPPLEMENTARY INFORMATION: On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Part 850 (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Missouri's program, the applicable date is 12 months after publication date of OSM's rule, or March 4, 1984.

On August 6, 1984, Missouri advised OSM that it would be unable to meet the August 6, 1984 deadline and requested a one year extension to develop and adopt a blaster certification program. On October 26, 1984, OSM granted Missouri an extension to August 6, 1985 (49 FR 43055).

On August 4, 1985, the Director of the Missouri Land Reclamation Commission advised OSM that the State would require another extension of time to submit its blaster training and examination program (Administrative Record MO-282). He stated the reason for the extension is to provide the necessary time for: (1) Contract negotiations with consultants to establish certification procedures and a test; (2) preparation of appropriate procedures and test; (3) incorporation of the certification procedures and test format in the Missouri Code of Regulations; and (4) gaining approval of the State program amendment.

In the September 13, 1985 **Federal Register** (50 FR 37383), OSM proposed an additional one-year extension for Missouri to submit to OSM a proposed blaster training program. Public comment on this proposal was sought for 30 days ending October 15, 1985. No comments were submitted to OSM during the comment period.

Director's Determination

In accordance with the State's request, the Director has decided to extend the deadline for Missouri to submit a proposed blaster training program until August 6, 1986. This extension will allow Missouri to develop and adopt an adequate blaster certification and training program consistent with Federal requirements. Accordingly, 30 CFR 925.16 is being amended to reflect the Director's decision.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and Regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 925

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 8, 1985.

James W. Workman,

Director, Office of Surface Mining.

PART 925—MISSOURI

30 CFR Part 925 is amended as follows:

1. The authority citation for Part 925 continues to read as follows:

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR Part 925.16 is amended by revising paragraph (i) to read as follows:

§ 925.16 Required program amendments.

* * * * *

(i) Pursuant to 30 CFR 732.17, Missouri is required to submit for OSM's approval the following proposed program amendments by the dates specified:

(1) By August 6, 1986, Missouri shall submit for OSM's approval:

(i) Rules governing the training, examination and certification of blasters and

(ii) A program to examine and certify all persons who are directly responsible for the use of explosives in surface coal mining operations.

[FR Doc. 85-27269 Filed 11-14-85; 8:45 am]

BILLING 4310-05-M

DEPARTMENT OF DEFENSE

32 CFR Part 78

[DOD Directive 1332.34]

Voluntary State Tax Withholding From Retired Pay

AGENCY: Office of the Secretary of Defense, DOD.

ACTION: Final rule.

SUMMARY: This rule implements section 654 of Pub. L. 98-525, which is codified under title 10, United States Code, section 1045 (10 U.S.C. 1045). It provides guidance on voluntary State tax withholding from the retired pay of Uniformed Service members.

EFFECTIVE DATE: November 15, 1985.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Management Systems), Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. James T. Jasinski, telephone (202) 697-0536.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 28, 1985 (50 CFR 12249), DOD issued an interim rule with a comment period. Comments were received from the Uniformed Services and the Commonwealth of Virginia. All comments were considered in the development of the final rule. Significant comments and changes are highlighted in the following discussion. For the most part, no major changes appear in the final rule. The citations given below refer to the final rule, unless otherwise noted.

Comments and Changes

In general, comments were favorable and noted that the regulations imposed no burdensome requirements on individuals, States, or the Uniformed Services. Twenty-two States have entered into agreements with the Department of Defense under this rule as of September 26, 1985. The States are: Alabama, Arizona, Arkansas, California, Delaware, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Mexico, North Carolina, Oklahoma, Rhode Island, South Carolina, Utah, Virginia, and Wisconsin. Several States asked if the Department of Defense would publicize the availability of voluntary State tax withholding from retired pay. The Uniformed Services will include an appropriate notice in the next mailing to retirees.

Section 78.3—The order of definitions was changed with "income tax" becoming § 78.3(a) and "member" moved to § 78.3(b).

Section 78.4(a)—In the revised text, the section ends with the word "request," with the deletion of: "and the member is a resident of that State." The change responds to comments that the original wording would require the Uniformed Services to validate a member's legal residence. This was not intended.

Section 78.5(a)—Many comments suggested changing the remittance period from quarterly to monthly to conform with other tax depositary requirements. The statutory authority specifies quarterly payments to States.

Section 78.5(b)—The first sentence was clarified by adding "subsequent" before withholdings. The purpose of the change is to alert retirees that changes in tax withholdings are always prospective. This does not preclude retroactive corrections of administrative errors by the Uniformed Services.

Section 78.5(f)—Several comments asked for clarification of refunding procedures. This section has been revised accordingly. The Uniformed Services may honor a retiree's request for refund until preparation of the final voluntary tax withholding payment for that calendar year. After that, the retiree may seek a refund of any state tax overpayment by filing the appropriate state tax form with the State that received the voluntary withholding payments. The Uniformed Services will provide a retiree with an Internal Revenue Service Form W-2P, "Statement for Recipients of Annuities, Pensions, Retired Pay or IRA Payments," that indicates the total tax withheld for each State, following each calendar year. State refunds will be made in accordance with state income tax policy and procedures.

Section 78.5(h)—Deleted "exhausted or otherwise unavailable" in the first sentence and substituted "not sufficient" in its place. This more accurately describes the circumstances.

Section 78.6(a)—Deleted "sign" under the responsibilities of the Assistant Secretary of Defense (Comptroller).

Section 78.7—Article III was amended by adding the last sentence, which sets a time period for States to withdraw from a Standard Agreement when there is a change to 32 CFR Part 78. The former section C.4. of Article V of the interim rule has been removed. The change is necessary to conform with the policy statement. The retiree is responsible to ensure that tax withholding is requested for the appropriate State. The former section C.5. of Article V is now section C.4.

Executive Order 12291

DOD has determined that this rule is not a major rule for the purpose of E.O. 12291, because it is not likely to have an annual effect on the economy of $100 million or more, result in a major increase in the cost or prices for consumers, industries, State or local governments; or adversely effect competition, employment, investment, productivity, or innovation.

Regulatory Flexibility Act of 1980

This rule is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore, no Regulatory Flexibility Analysis was prepared. The final rule will have no significant impact on small entities.

List of Subjects in 32 CFR Part 78

Military personnel, Intergovernmental relations.

Accordingly, 32 CFR, Chapter 1, is amended by adding a new Part 78 to read as follows:

PART 78—VOLUNTARY STATE TAX WITHHOLDING FROM RETIRED PAY

Sec.
78.1 Purpose.
78.2 Applicability and scope.
78.3 Definitions.
78.4 Policy.
78.5 Procedures.
78.6 Responsibilities.
78.7 Standard agreement.

Authority: 10 U.S.C. 1045.

§ 78.1 Purpose.

Under 10 U.S.C. 1045, this part provides implementing guidance for voluntary State tax withholding from the retired pay of uniformed Service members.

§ 78.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense, the Military Departments, the Coast Guard (under agreement with the Department of Transportation), the Public Health Service (PHS) (under agreement with the Department of Health and Human Services and the National Oceanic and Atmospheric Administration (NOAA) (under agreement with the Department of Commerce). The term "Uniformed Services," as used herein, refers to the Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned corps of the PHS, and the Commissioned corps of the NOAA.

(b) It covers members retired from the regular and reserve components of the Uniformed Services who are receiving retired pay.

§ 78.3 Definitions.

(a) *Income tax.* Any form of tax under a State statute where the collection of that tax either imposes on employers generally the duty of withholding sums from the compensation of employees and making returns of such sums to the State, or grants employers generally the authority to withhold sums from the compensation of employees if any employee voluntarily elects to have such sum withheld. And, the duty to withhold generally is imposed, or the authority to withhold generally is granted, with respect to the compensation of employees who are residents of such State.

(b) *Member.* A person originally appointed or enlisted in, or conscripted into, a Uniformed Service who has retired from the regular or reserve component of the Uniformed Service concerned.

(c) *Retired pay.* Pay and benefits received by a member based on conditions of the retirement law, pay grade, years of service, date of retirement, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or disability. It also is known as retainer pay.

(d) *State.* Any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

§ 78.4 Policy.

(a) It is the policy of the Uniformed Services to accept written requests from members for voluntary income tax withholding from retired pay when the Department of Defense has an agreement for such withholding with the State named in the request.

(b) The Department of Defense shall enter into an agreement for the voluntary withholding of State income taxes from retired pay with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Uniformed Services shall withhold State income tax from the monthly retired pay of any member who voluntarily requests such withholding in writing.

§ 78.5 Procedures.

(a) The amounts withheld during any calendar quarter shall be retained by the Uniformed Service and disbursed to the States during the month following that calendar quarter. Payment procedures shall conform, to the extent practicable, to the usual fiscal practices of the Uniformed Services.

(b) A member may request that the State designated for withholding be changed and that the subsequent withholdings be remitted as amended. A member may revoke his or her request for withholding at any time. Any request for a change in the State designated or any revocation is effective on the first day of the month after the month in which the request or revocation is processed by the Uniformed Service concerned, but in no event later than on the first day of the second month beginning after the day on which the request or revocation is received by the Uniformed Service concerned.

(c) A member may have in effect at any time only one request for withholding under this part. A member may not have more than two such requests in effect during any one calendar year.

(d) The agreements with States may not impose more burdensome requirements on the United States than on employers generally or subject the United States, or any member, to a penalty or liability because of such agreements.

(e) The Uniformed Services shall perform the services under this part without accepting payment from States for such services.

(f) The Uniformed Services may honor a retiree's request for refund until preparation of the final voluntary tax withholding payment for that calendar year. After that, the retiree may seek a refund of any State tax overpayment by filing the appropriate State tax form with the State that received the voluntary withholding payments. The Uniformed Services will provide a retiree with an Internal Revenue Service Form W-2P, "Statement for Recipients of Annuities, Pensions, Retired Pay or IRA Payments," that indicates the total tax withheld for each State, following each calendar year. State refunds will be in accordance with State income tax policy and procedures.

(g) A member may request voluntary tax withholding by writing the retired pay office of his or her Uniformed Service. The request shall include: The member's full name, social security number, the fixed amount to be withheld monthly from retired pay, the State designated to receive the withholding, and the member's current residence address. The request shall be signed by the member, or in the case of incompetence, his or her guardian or trustee. The amount of the request for State tax withholding must be an even dollar amount, not less than $10 or less than the State's minimum withholding amount, if higher. The Uniformed Services' retired pay office addresses are given as follows:

(1) Army—Commanding Officer, Army Finance and Accounting Center (Dept. 90), Indianapolis, IN 46249, (800) 428-2290.

(2) Navy—Commanding Officer, Navy Finance Center (Code 301), Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, (800) 321-1080.

(3) Air Force—Commander, Air Force Accounting and Finance Center, Attn: RP, Denver, CO 80279, (800) 525-0104.

(4) Marine Corps—Commanding Officer (CPR), Marine Corps Finance Center, Kansas City, MO 64197, (816) 926-7130.

(5) Coast Guard—Commanding Officer (Retired), U.S. Coast Guard Pay and Personnel Center, 444 S.E. Quincy Street, Topeka, KS 66683, (913) 295-2657.

(6) PHS—U.S. Public Health Service, Compensation Branch, 5600 Fisher Lane, Room 4-50, Rockville, MD 20857, (800) 638-8744 (except AK & MD), (301) 443-6132 (AK & MD).

(7) NOAA—Commanding Officer, Navy Finance Center (Code 301), Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, (800) 321-1080.

(h) If a member's retired pay is not sufficient to satisfy a member's request for a voluntary State tax, then the withholding will cease. A member may initiate a new request when such member's retired pay is restored in an amount sufficient to satisfy the withholding request.

(i) A State requesting an agreement for the voluntary withholding of State tax from the retired pay of members of the Uniformed Services shall indicate, in writing, its agreement to be bound by the provisions of this part. If the State proposes an agreement that varies from the Standard Agreement, the State shall indicate which provisions of the Standard Agreement are not acceptable and propose substitute provisions. The letter shall be addressed to the Assistant Secretary of Defense (Comptroller), the Pentagon, Washington, D.C. 20301. To be effective, the letter must be signed by a State official authorized to bind the State under an agreement for tax withholding. Copies of applicable State laws that authorize employers to withhold State income tax and authorize the official to bind the State under an agreement for tax withholding shall be enclosed with the letter. The letter also shall indicate the title and address of the official whom the Uniformed Services may contact to obtain information necessary for implementing withholding.

(j) Within 120 days of the receipt of a letter from a State, the Assistant Secretary of Defense (Comptroller), or designee, will notify the State, in writing, that DoD has either entered into the Standard Agreement or that an agreement cannot be entered into with the State and the reasons for that determination.

§ 78.6 Responsibilities.

(a) The Assistant Secretary of Defense (Comptroller) shall provide guidance, monitor compliance with this part, and have the authority to change or modify the procedures set forth.

(b) The Secretaries of the Military Departments and Heads of the other Uniformed Services shall comply with this part.

§ 78.7 Standard Agreement.

Standard Agreement For Voluntary State Tax Withholding From The Retired Pay Of Uniformed Service Members

Article I—Purpose

This agreement, hereafter referred to as the "Standard Agreement," establishes administrative procedures and assigns

responsibilities for voluntary State tax withholding from the retired pay of Uniformed Service members consistent with section 654 of the Department of Defense Authorization Act for Fiscal Year 1985 (Pub. L. 98-525), codified as 10 U.S.C. 1045.

Article II—Parties

The parties to this agreement are the Department of Defense on behalf of the Uniformed Services and the State that has entered into this agreement pursuant to 10 U.S.C. 1045.

Article III—Procedures

The parties to the Standard Agreement are bound by the provisions in Title 32, Code of Federal Regulations, part 78. The Secretary of Defense may amend, modify, supplement, or change the procedures for voluntary State tax withholding from retired pay of Uniformed Service members after giving notice in the **Federal Register**. In the event of any such changes, the State will be given 45 days to terminate this agreement.

Article IV—Reporting

Copies of Internal Revenue Service Form W-2P, "Statement for Recipients of Annuities, Pensions, Retired Pay or IRA Payments," may be used for reporting withheld taxes to the State. The media for reporting (paper copy, magnetic tape, etc.) will comply with State reporting standards that apply to employers in general.

Article V—Other Provisions

A. This agreement shall be subject to any amendment of 10 U.S.C. 1045 and any regulations issued pursuant to such statutory change.

B. In addition to the provisions of Article III, the agreement may be terminated by a party to the Standard Agreement by providing the other party with written notice to that effect at least 90 days before the proposed termination.

C. Nothing in this agreement shall be deemed to:

1. Require the collection of delinquent tax liabilities of retired members of the Uniformed Services;

2. Consent to the application of any provision of State law that has the effect of imposing more burdensome requirements upon the United States than the State imposes on other employers, or subjecting the United States or any member to any penalty or liability;

3. Consent to procedures for withholding, filing of returns, and payment of the withheld taxes to States that do not conform to the usual fiscal practices of the Uniformed Services;

4. Allow the Uniformed Services to accept payment from a State for any services performed with regard to State income tax withholding from the retired pay of Uniformed Service members.

Dated: November 8, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-27010 Filed 11-14-85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR

43 CFR Part 4

Petitions for Award of Costs and Expenses Under Section 525(e) of the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Hearings and Appeals, Department of the Interior.

ACTION: Final rule.

SUMMARY: By this rule, the Office of Hearings and Appeals (OHA) in the Department of the Interior (DOI) revises 43 CFR 4.1294(a)(1) to more clearly define the conditions under which costs and expenses (including attorneys' fees) may be awarded, and 43 CFR 4.1294(b) to conform with a recent decision in which the United States Supreme Court held that absent some degree of success on the merits by a claimant, it is not "appropriate" for a court to award attorneys' fees. The affected rules govern petitions for the award of costs and expenses under section 525(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201, *et seq.*

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: John H. Kelly, Deputy Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203; Telephone (703) 235-3810.

SUPPLEMENTARY INFORMATION:

I. Background

OHA published its proposed amendments to these regulations on pages 21470-71 of the **Federal Register** of May 24, 1985, indicating that comments would be accepted through June 24, 1985. Four letters containing comments were received.

Section 525(e) of SMCRA, 30 U.S.C. 1275(e), provides that "[w]henever an order is issued under this section, or as a result of any administrative proceeding under this Act, at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Secretary to have been reasonably incurred by such person for or in connection with his participation in such proceedings, including any judicial review of agency actions, may be assessed against either party as the court, resulting from judicial review or the Secretary, resulting from administrative proceedings, *deems proper.*" (Emphasis added.)

To establish procedures governing petitions for the award of costs and expenses under section 525(e), OHA promulgated rules which appear at 43 CFR 4.1290-4.1296. These existing rules were proposed on April 13, 1978, 43 FR 15441; the final rules were published on August 3, 1978, 43 FR 34376.

The existing rules specify who may file for an award (§ 4.1290), the time and place for filing (§ 4.1291), the contents of a petition for an award (§ 4.1292), the time for filing an answer (§ 4.1293), who may receive an award (§ 4.1294), what an award may include (§ 4.1295), and appeals procedures (§ 4.1296).

An examination of the Department's existing rules was prompted by the decision of the United States Supreme Court in *Ruckelshaus* v. *Sierra Club*, 463 U.S. 680 (1983), which held in a statutory context similar to section 525(e) of SMCRA that an award of costs and expenses in conditioned upon a party prevailing in whole or in part in the underlying proceeding. The authors of this final rulemaking are John H. Kelly, Deputy Director, and James R. Kleiler, Attorney-Adviser, Office of Hearings and Appeals.

II. Discussion of § 4.1294(a)(1)

The rule revises § 4.1294(a)(1) regarding awards from a permittee to a person who initiates or participates in an administrative proceeding reviewing an enforcement action that results in a finding that a violation of the Act, regulations, or permit has occurred, or than an imminent hazard existed. OHA proposed amendment of the current regulation because it did not adequately distinguish the contribution made by a participating person from that contribution made by an initiating party. It is not the intent of OHA that a person who participates in but does not initiate an administrative proceeding under § 4.1294(a)(1) receive an award if such person's contribution is essentially the same as that of the initiating party. Rather, it is OHA's intent that an award be made to such person only if the person's contribution is separate and distinct from that of the initiating party, and the regulation has been revised to make that intent explicit. The final regulation contains other revisions made to satisfy concerns raised by the comments.

Each commenter criticized the proposed rules for failing to make the requirement that a party prevail in whole or in part, achieving some degree of success on the merits, applicable to fees awarded to any person from the permittee. Such a revision of subsection

(a)(1) is unnecessary to conform the regulation to the *Ruckelshaus* decision because the regulation has always required "a finding that a violation of the act, regulations or permit has occurred, or that an imminent hazard existed." Meeting this requirement is comparable to a showing of some degree of success on the merits.

Two comments noted that the existing regulation and the proposed revision refer to "administrative proceedings reviewing enforcement actions" with respect to a person initiating a proceeding, but refer to "enforcement proceeding" with respect to a person who participated in but did not initiate a proceeding. The comments questioned whether this difference in language referred to different types of proceedings. Although the regulation was never intended to refer to two different types of proceedings, the text of the regulation has been revised to eliminate this perceived ambiguity.

Two comments expressed concern that if ten counts are charged against a permittee but a person initiating the proceeding prevailed on only one, that person should receive from the permittee only costs applicable to the one count on which he prevailed. While the extent to which a party prevails on the merits is certainly relevant in determining the amount of an award, we find such a consideration is best addressed on a case by case basis. Thus, no revision of the regulation has been made to accommodate the concern raised by these comments.

One comment suggested that the initiator should be required to make a contribution separate and distinct from OSM in order to be eligible to recover an award of costs. The final regulation was not revised to accommodate this comment. However, the requirement that a contribution be "substantial" precludes an award if a contribution simply duplicates that of OSM.

One comment expressed concern that a permittee may be assessed fees for a violation which occurred as a result of inadequate enforcement by OSM. The commenter noted that many portions of SMCRA and its regulations are unclear and that OSM issues to its inspectors internal guidelines which are not binding regulations. The comment objects that a permittee would be exposed to "an award of fees for activities on the part of OSM in resolving an enforcement action under ambiguous regulations." Nevertheless, where there has been a finding that a violation of the Act has occurred, OHA does not consider it appropriate to shield a permittee completely from liability for costs and expenses. Any mitigating circumstances are best addressed on a case-by-case basis. No revision of the regulation was made in response to this comment.

III. Discussion of § 4.1294(b)

Currently, § 4.1294(b) provides that costs and expenses may be awarded from OSM to persons other than the permittee, if the person "made a substantial contribution to the full and fair determination of the issues," but does not contain criteria with regard to the degree of success on the merits to be achieved for such awards. In view of the court's decision in *Ruckelshaus*, OHA proposed to revise paragraph (b) of § 4.1294 to state explicitly that eligibility to receive an award is "subject to the condition that the person shall have prevailed in whole or in part, achieving at least some degree of success on the merits." The proposed rule, however, had deleted the requirement that the person make "a substantial contribution to a full and fair determination of the issues." In *Carson-Truckee Water Conservancy District* v. *Secretary of the Interior*, 748 F. 2d 523, 526 (9th Cir. 1984), *cert. denied sub nom. Pyramid Lake Paiute Tribe of Indians* v. *Carson-Truckee Water Conservancy District*, _____ U.S. _____ 105 S. Ct. 2139 (1985), the court affirmed the denial of an award to a prevailing party and expressly rejected the contention that the *Ruckelshaus* decision had eliminated the requirement that a person make a "substantial contribution" to be eligible for an award. Furthermore, neither the proposed nor final rules have deleted the "substantial contribution" requirement for § 4.1294(a), and in consideration of concerns raised by comments concerning differing standards among the various subsections of § 4.1294, the "substantial contribution" requirement is restored to subsection (b) of the final rulemaking.

IV. Other comments

The commenters note that fees may be recovered from OSM or a permittee by a person who makes a substantial contribution and shows some degree of success on the merits, but that a permittee cannot receive an award of costs and expenses unless the party to be assessed has acted "in bad faith for the purpose of harassing or embarrassing the permittee." *See* 43 CFR 4.1294 (c), (d). The comments suggest that it is unfair to subject an award to a permittee to a stricter standard than the one applied to other parties. The same objections were raised when these rules were originally proposed in 1978 and the answer remains the same: "While it is realized that the standards for an award are not the same for all parties, the legislative history * * * clearly states that an award may be made to the permittee only when the action taken is brought or participation is undertaken in bad faith," *citing* S. Rep. No. 128, 95th Cong., 1st Sess. 59 (1977). 43 FR 34386 (Aug. 3, 1978).

V. Future Rulemaking Actions

On November 20, 1980, a number of western states filed a petition for rulemaking with the Office of Surface Mining Reclamation and Enforcement (OSM) requesting repeal of 43 CFR 4.1294(b) as it applies to the states under 30 CFR 840.15. Although OSM sought public comment on the petition (46 FR 58464 (Dec. 1, 1981)), no further action has been taken on the petition. Issuance of this rule is not intended to preclude further examination of OHA's rules in 43 CFR 4.1290–4.1296 governing the award of attorneys' fees in view of the pending rulemaking petition, particularly the question of the waiver of sovereign immunity.

VI. Procedural Matters

Federal Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3507.

Executive Order 12291

The DOI has examined this rule according to the criteria of Executive Order 12291 (Feb. 17, 1981) and has determined that it is not major and does not require a regulatory impact analysis because the incidence of petitions for Departmental awards and expenses since enactment of the authorizing legislation has been small, both in absolute number and relative to the total number of administrative review proceedings.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that this rule will not have a significant economic impact on a substantial number of small entities, in view of the small incidence of petitions for Departmental awards of costs and expenses since the passage of the authorizing legislation.

National Environmental Policy Act

The DOI has determined that this rule will not significantly affect the quality of the human environment on the basis of the categorical exclusion of regulations of a financial or procedural nature set forth at 516 DM 2 Appendix 1, § 1.10.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Lawyers, Surface mining.

Authority: Pub. L. 95-87, 91 Stat. 445, 30 U.S.C. 1201 *et seq.*

Accordingly, 43 CFR Part 4, Subpart L, is revised as follows:

Dated: October 24, 1985.

Ann McLaughlin,

Under Secretary.

PART 4—DEPARTMENTAL HEARINGS AND APPEALS PROCEDURES

Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals

1. The authority citation for Part 4, Subpart L, is revised to read as follows:

Authority: 30 U.S.C. 1256, 1260, 1261, 1264, 1268, 1271, 1272, 1275, 1293; 5 U.S.C. 301.

Any other authority citations contained in Subpart L are removed.

2. Section 4.1294 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 4.1294 Who may receive an award.

* * * * *

(a) * * *

(1) The person initiates or participates in any administrative proceeding reviewing enforcement actions upon a finding that a violation of the Act, regulations, or permit has occurred, or that an imminent hazard existed, and the administrative law judge or Board determines that the person made a substantial contribution to the full and fair determination of the issues, except that a contribution of a person who did not initiate a proceeding must be separate and distinct from the contribution made by a person initiating the proceeding; or

* * * * *

(b) From OSM to any person, other than a permittee or his representative, who initiates or participates in any proceeding under the Act, and who prevails in whole or in part, achieving at least some degree of success on the merits, upon a finding that such person made a substantial contribution to a full and fair determination of the issues.

* * * * *

[FR Doc. 85-27265 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1002

[Ex Parte 246 (Sub-3)]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services; 1985 Update

AGENCY: Interstate Commerce Commission.

ACTION: Final rule; Clarification.

SUMMARY: On October 1, 1985 at 50 FR 40024 the Interstate Commerce Commission published final rules which updated the Commission's current cost of providing services and benefits. Through this document the Commission is clarifying the filing fee relating to applications for motor carriers or broker authority which appears at 49 CFR 1002.2(f) (1) and (2).

EFFECTIVE DATE: November 4, 1985.

FOR FURTHER INFORMATION CONTACT:
Kathleen M. King (202) 275-7428
or
Paul Meder (202) 275-7360.

SUPPLEMENTARY INFORMATION: Our prior fee schedule adopted in Ex Parte No. 246 (Sub-No. 2), *Regulations Governing Fees For Services*, 49 FR 18491 (May 1, 1984) and 49 FR 39548 (October 9, 1984) provided for separate fees for an application for motor carrier or broker authority (49 CFR 1002.2(f)(1)) and BOC-3 Designation of Agents for Service of Process filings (49 CFR 1002.2(f)(81)). In our revisions of the user fee schedule, we combined the fee for motor carrier and broker applications with a resulting fee of $158 in 49 CFR 1002.2(f)(1). The purpose of this change was to facilitate collection and payment of these fees.

The Commission has received numerous inquiries requesting clarification of this new fee item relating to motor carrier and broker applications. A question has been raised as to whether a carrier or broker which has filed a BOC-3 agent designation that covers all the states involved in subsequent applications is required to submit the $158 filling fee (which includes $8 for the BOC-3 agent designation) with the subsequent application.

Through this notice clarifying language is added to the fee description in 49 CFR 1002.2(f)(1). If an applicant has a BOC-3 agent designation which lists agents for all states involved in the application which is being submitted, it only has to pay the $150 fee set forth in 49 CFR 1002.2(f)(1)(b). If the applicant is a new applicant or if the applicant is seeking authority to operate in a new geographic area a revised BOC-3 agent designation and filing fee of $158 is required. Similar clarification will be made with respect to 49 CFR 1002(f)(2) which relates to fees for owner operator authority. These clarifications are set forth in the appendix to this notice.

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Freedom of Information.

The authority citation for Part 1002 continues to read:

Authority: 5 U.S.C. 553, 31 U.S.C. 9701, and 49 U.S.C. 10321.

Decided: November 4, 1985.

By the Commission.

James H. Bayne,

Secretary.

Appendix A

PART 1002—[AMENDED]

Title 49 of the Code of Federal Regulations is amended as follows:

Section 1002.2(f) is amended by revising items (1) and (2) in the table to read as follows:

§ 1002.2 Filing fees.

* * * * *

(f) * * *

* * * * *

(1) (a) An application for motor carrier operating authority, or a certificate of registration including a certificate of registration for certain foreign carriers, or broker authority. (This fee only applies in those instances in which the applicant does not have a current and complete BOC-3 agent designation on file with the Commission)	$158
(b) An application for motor carrier broker or freight forwarder operating authority or water carrier operating or exemption authority. (With respect to motor carrier or broker applicants this fee is applicable if the applicant has a current and complete BOC-3 agent designation on file with the Commission)	150
(2) (a) A fitness only application for motor carrier authority under 49 U.S.C. 10922(b)(4)(E) or motor contract authority under 49 U.S.C. 10923(b)(5)(A) to transport food and related products (This fee only applies in those instances in which the applicant does not have a current and complete BOC-3 agent designation on file with the Commission)	78

(b) A fitness only application for motor common carrier authority under 49 U.S.C. 10922(b)(4)(E) or motor contract authority under 49 U.S.C. 10923(b)(5)(A) to transport food and related products (This fee is applicable if the applicant has a current and complete BOC-3 agent designation on file with the Commission) 70

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[FR Doc. 85-27173 Filed 11-14-85; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 604 and 652

[Docket No. 50579-5122]

OMB Control Numbers and Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: NOAA issues this final rule implementing technical amendments to Amendment 6 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) and OMB Control Numbers for NOAA Information Collection Requirements (ICR). The Office of Management and Budget (OMB) has approved for information collection purposes §§ 652.5(b)(7) and 652.7(a)(4) and (l) of the FMP for Amendment 6. The intent is to make effective the approved FMP sections and revise the ICR table.

EFFECTIVE DATE: Sections 652.5(b)(7) and 652.7(a)(4) and (l) of Amendment 6 are effective September 8, 1985. The Amendment to the OMB Control Numbers ICR table is effective November 4, 1985.

FOR FURTHER INFORMATION CONTACT: William B. Jackson (Fishery Management Specialist), 202-634-7432.

SUPPLEMENTARY INFORMATION: On August 14, 1985 (50 FR 32707), NOAA published the final rule making effective Amendment 6 to the FMP. The rule was issued prior to approval by OMB of the information collection requirements at §§ 652.5(b)(7) and 652.7(a)(4) and (l). A notice was to be published in the **Federal Register** when NOAA received the OMB control number, making these sections effective as of September 8, 1985.

Sections 652.5(b)(7) and 652.7(a)(4) and (l) have been approved by OMB under OMB control number 0648-0097. Therefore, NOAA makes these sections effective as of September 8, 1985. Also, NOAA amends the OMB control numbers table at 50 CFR Part 604, effective September 30, 1985 (50 FR 40977, October 8, 1985) by inserting §§ 652.5(b)(7) and 652.7(a)(4) and (l) in numerical order.

Other Matters

This action is taken under the authority of 50 CFR Parts 604 and 652 and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

List of Subjects

50 CFR Part 604

OMB Control Numbers, Paperwork Reduction Act, Reporting and recordkeeping requirements.

50 CFR Part 652

Fisheries, Reporting and recordkeeping requirements.

Dated: November 12, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 604—[AMENDED]

For the reason set forth in the preamble, 50 CFR 604.1(b) is amended as follows:

1. Section 604.1(b) is amended by inserting §§ 652.5(b)(7) and 652.7(a)(4) and (l) in numerical order as follows:

§ 604.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

§ 652.5(b)(7)	-0097
§ 652.7(a)(4) and (l)	-0097

* * * * *

[FR Doc. 85-27216 Filed 11-14-85; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 221
Friday, November 15, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

[Docket No. A0-150-A5]

Idaho-Eastern Oregon Potato Marketing Order; Hearing on Proposed Amendment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of hearing on proposed rule.

SUMMARY: This provides notice of a public hearing to be held to consider a proposed amendment to the Idaho-Eastern Oregon Potato Marketing Order (hereinafter called the order). The proposals were submitted by the Idaho-Eastern Oregon Potato Committee, the industry organization administering the order. The principal changes would add a public advisor to the committee, change the term of office, limit committee tenure, change nomination procedures, make changes in fiscal operations and require periodic referenda. The order has not been amended since 1958. Several sections are outmoded and should be considered at the amendment hearing. The text of the proposal to be considered is set forth below.

DATE: The hearing is scheduled to begin December 10, 1985, at 9:00 a.m.

ADDRESS: The hearing will be held at the U.S. Courthouse, Room B23-43, 250 South Fourth Street, Pocatello, Idaho 83201.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447-5764.

SUPPLEMENTARY INFORMATION: The amendment was proposed and the hearing requested by the Idaho-Eastern Oregon Potato Committee established under the marketing agreement and order program regulating the handling of potatoes grown in certain designated counties in Idaho and Malheur County, Oregon. The Department of Agriculture proposes that it be authorized to make any necessary conforming changes which may result from this hearing.

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and therefore is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (Pub. L. 96-354), effective January 1, 1981, seeks to ensure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the hearing on the probable regulatory and informational impact of the proposals on small business.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900). The proposed amendment of the marketing agreement and order has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of: (i) Receiving evidence about the economic and marketing conditions which relate to the proposed amendment of the marketing agreement and order; (ii) determining whether there is a need for the proposed amendment to the marketing agreement and order; and (iii) determining whether the proposed amendment or appropriate modification of it will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 945

Marketing agreements and orders, Potatoes, Idaho, Oregon.

PART 945—[AMENDED]

1. The authority citation for 7 CFR Part 945 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Proposal No. 1

Add a new § 945.20(d) as follows:

§ 945.20 Establishment and membership.

* * * * *

(d) The committee may appoint such public advisors as it deems appropriate and determine the expenses, compensation, and define the duties of such advisors. Each person appointed as a public advisor shall be a resident of the production area. Also, each shall at the time of appointment and during the term of duties not be engaged in the commercial production, buying, grading, or processing of any agricultural commodity, except as a consumer, nor shall such person be a director, officer, or employee of any firm so engaged.

Proposal No. 2

Revise § 945.21 to read as follows:

§ 945.21 Term of Office.

(a) Except as otherwise provided in this section, the term of office of committee members and alternates shall be for two years beginning June 1 or such other date as recommended by the committee and approved by the Secretary. The term of office of members and alternates shall be so determined that approximately one-half of the total producer and handler committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified and continue until their successors are selected and have qualified: Except that beginning with the 1986 term of office, no member or alternate shall serve more than three full consecutive terms without approval of the Secretary.

Proposal No. 3

Amend § 945.25 as follows:

(1) Revise paragraphs (a) and (c).

(2) Redesignate paragraph (f) as paragraph (e).

(3) Redesignate paragraph (g) as paragraph (f).

(4) Revise paragraph (e) and redesignate it as paragraph (g).

§ 945.25 Nominations.

* * * * *

(a) In order to provide nominations for producer and handler committee members and alternates, the committee shall hold, or cause to be held, prior to April 1 of each year, or such other date as the Secretary may designate, one or more meetings of producers and of handlers in each district to nominate such members and alternates; or the

committee may conduct nominations by mail in a manner recommended by the committee and approved by the Secretary.

* * * * *

(c) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

* * * * *

(g) Nominations shall be supplied to the Secretary in such manner and form as the Secretary may prescribe, not later than May 1 of each year, or such other date as the Secretary may specify.

Proposal No. 4

Revise § 945.27 as follows:

§ 945.27 Acceptance.

Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance, or prior to selection, may qualify by filing a statement of willingness to serve with the Secretary.

Proposal No. 5

Revise § 945.31 to read as follows:

§ 945.31 Expenses.

Committee members and alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their prowers under this subpart. In addition they may receive reasonable reimbursement at a rate to be determined by the committee and approved by the Secretary, for each day or portion thereof, spent in conducting committee business.

Proposal No. 6

Revise paragraph (b) of § 945.42 to read as follows:

§ 945.42 Assessments.

* * * * *

(b) Assessments shall be levied upon handlers at a rate per unit established by the Secretary. Such a rate may be established by the Secretary upon the basis of the committee's recommendation or other available information.

* * * * *

Proposal No. 7

In § 945.44 revise the heading; remove the introductory paragraph; revise paragraph (b) and redesignate it as paragraph (a); revise paragraph (a) and redesignate it as paragraph (b) to read as follows:

§ 945.44 Excess funds.

(a) The funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period shall be carried over into following periods as a reserve. Such reserve shall be established at an amount not to exceed approximately one fiscal period's budgeted expenses. Funds in such reserve shall be available for use by the committee for expenses authorized under § 945.40.

(b) Funds in excess of those placed in the operating reserve shall be credited proportionately against a handler's operations of the following fiscal period, except that if he/she demands payment, such proportionate refund shall be paid to him/her.

* * * * *

Proposal No. 8

Section 945.83 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 945.83 Termination.

* * * * *

(d) The committee shall recommend to the Secretary within every 10-year period beginning on the effective date hereof that a referendum be conducted to ascertain whether continuance of this subpart is favored by the producers.

* * * * *

Proposal No. 9

Make such other changes as may be necessary to make the entire order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from Joseph C. Perrin, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green/Wyatt Federal Building, 1220 SW. Third Avenue, Room 369, Portland, Oregon 97204, phone (503) 221-2724 or from Robert F. Matthews, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, DC 20250.

From the time this hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture;
Office of the Administrator, Agricultural Marketing Service;
Office of the General Counsel, except Regional Attorneys;
Fruit and Vegetable Division, Agricultural Marketing Service.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on November 8, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-27262 Filed 11-14-85; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 122

Business Loans; Interest Rates

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The Small Business Administration (SBA) on April 27, 1984, promulgated a rule in the **Federal Register** (49 FR 18083, as amended 49 FR 24879, 49 FR 28044) which permits interest rates to fluctuate no more frequently than monthly. Loans made prior to the effective date of such rule were allowed to fluctuate no more frequently than quarterly at standard adjustment rates. This proposed rule clarifies the intent of the Agency to authorize the earlier loans, made with quarterly fluctuating rate, to be converted to monthly fluctuations, so long as there is obtained the prior written consent of the borrower, Participating Lender, SBA, and secondary market holder (if any) of the guaranteed portion.

DATE: Comments must be received on or before December 16, 1985.

ADDRESS: Written comments, in duplicate, may be sent to: Director, Office of Portfolio Management, Small Business Administration, Room 816, 1441 L Street, NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Robert Wise, Financial Analyst, Office of Portfolio Management, (202) 653-6900.

SUPPLEMENTARY INFORMATION: On April 27, 1984, SBA published in the **Federal Register** (49 FR 18083) a rule which authorized any participating lender to make an SBA guaranteed loan with a rate of interest which could fluctuate no more frequently than monthly. Guaranteed loans which had been made prior to the effective date of such regulation were allowed to have interest rates which fluctuated no more frequently than quarterly. On March 28, 1985, (50 FR 12472), Parts 120 and 122 of SBA regulations were reorganized and

recodified. SBA had not intended to preclude a conversion of an earlier quarterly fluctuation rate loan to a monthly fluctuation period, if all the parties agreed, but the regulation does not presently reflect such intention. Accordingly, the Agency is now proposing to clarify the regulation so that if the borrower, participating lender, SBA, and, if applicable, the purchaser in the secondary market give their prior written consent, the earlier loan made with a quarterly fluctuation rate could be changed to a monthly fluctuating period.

This clarification is important for several reasons. The competitive banking industry requires that lenders structure their loans to attract business. The prevalent attitude of borrowing customers is that it is in everyone's interest to schedule loans which can take advantage more quickly of the downward trend of interest rates. An announced reduction of the prime rate, for example, in April or May 1985, could not be passed along to a borrower of an SBA guaranteed loan made prior to April 1984, until July 1985. As a result of this restriction, participating lenders may not be able to serve their customers properly in a competitive environment. This proposed rule would permit a quarterly interest rate fluctuating loan to be changed, with all the parties consenting, to a monthly fluctuation so that the borrower might obtain the benefit in May, for example, of an April downward shift in the prime rate. Because this is a clarification of the regulation, the Agency is proposing this rule with a 30 day comment period.

Regulatory Impact

1. SBA is clarifying the April 27, 1984, rule which was consitlered a major rule for the purposes of the Regulatory Flexibility Act and E.O 12291. The outstanding guaranteed loan portfolio at April 30, 1984, numbered 82,412 loans totaling $7,196,900,000. If two-thirds of these loans are variable rate loans still outstanding, the average effect on each loan would have to be $1,820 for a combined annual effect of $100,000,000 on average loan size of $87,328. This would be an annual effect of 2% on the interest rate with 100% participation in monthly adjustments. While borrower demand for conversion to monthly interest rate adjustments is unknown, neither the annual effect nor the participation rate will be to this degree.

2. Forecasting interest rates is impossible in the long-run, even for the most respected economists. This inability to forecast coupled with short-term volatility has resulted in lenders and some borrowers demanding that interest rates on loans be more responsive than on a quarter year basis to changes in market rates. In periods of stable or declining rates, such as at present, the proposed change would not result in any increased cost for the borrower. However, there could be an increased cost in periods of rapidly escalating rates. Interest rate policy must accommodate increasing, stable or decreasing rates. Competition or employment will not be adversely affected by this rule.

3. Conversion from quarterly to monthly interest rate adjustment can only occur if all parties agree. Only a small business willingly participating would be affected. Debt service predictability can be achieved in structuring loan repayment terms. Only wildly vacillating rates would have a significant economic impact.

a. The amended rule would apply to those SBA borrowers whose variable interest rate notes are dated before April 27, 1984, who elect monthly variation instead of quarterly, and who can gain the consent of the lender, SBA and the secondary market holder (if any).

(b) The only recordkeeping-type requirement would be that the borrower confirm the base rate on a monthly basis, readily obtainable in a financial journal. There is no notice requirement on the lender, and the borrower is not able to manipulate the base rate.

(c) This amendment does not overlap, duplicate or conflict with any Federal law.

(d) There are no significant alternatives to this rule.

(e) Only in times of rapidly escalating interest rates would the monetary cost to the borrower increase more rapidly than on a quarter year adjustment basis. This potential monetary cost is offset by gains that can be derived in periods of declining rates.

There would be no recordkeeping or reporting requirements if this rule is promulgated in final, so this is not subject to the Paperwork Reduction Act of 1980, Pub. L. 98-551.

List of Subjects in 13 CFR Part 122

Loan Programs/business, Small business.

PART 122—[AMENDED]

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA proposes to amend Part 122, Chapter I, Title 13, Code of Federal Regulations by revising § 122.8-4(a) to read as follows:

§ 122.8-4 Variable (fluctuating) rate.

* * * * *

(a) *Frequency.* The fluctuation may occur no more frequently than monthly, except for the first fluctuation, which may occur on the first business day of the month following initial disbursement: *Provided,* That with respect to any loan made prior to April 27, 1984, utilizing a quarterly fluctuation, the interest rate may be changed to a monthly fluctuation with the prior written consent of the borrower, Participating Lender, SBA, and Registered Holder (if any).

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: October 17, 1985.

James C. Sanders,

Administrator.

[FR Doc. 85-27138 Filed 11-14-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Permanent State Regulatory Program of Indiana

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a proposed program amendment to the Indiana Permanent Regulatory Program (hereinafter referred to as the Indiana program) received by OSM pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The proposed amendment submitted by the State on September 4, 1985, would establish a program for the training, examination and certification of blasters.

This document sets forth the times and locations that the Indiana program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment and information pertinent to the public hearing.

DATE: Written comments relating to Indiana's proposed modification of its program not received on or before 4:00 p.m. on December 16, 1985, will not necessarily be considered in the Director's decision to approve or disapprove the proposed program modifications.

If requested, a public hearing will be held on December 10, 1985, beginning at

10:00 a.m. at the location shown below under "ADDRESSESS."

ADDRESSES: Written comments should be mailed or hand-delivered to: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204. Telephone: (317) 269–2600.

If a public hearing is held, its location will be at: OSM Indianapolis Field Office, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana; Telephone: (317) 269–2600.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204; Telephone: (317) 269–2600.

SUPPLEMENTARY INFORMATION

I. Public Comment Procedures

Availability of Copies

Copies of the Indiana program, the proposed amendment, and a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5123, 1100 L Street, NW., Washington, DC 20240;

Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana;

Indiana Department of Natural Resources, 608 State Office Building, Indianapolis, Indiana 46204.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than Indianapolis, Indiana, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by the close of business December 5, 1985. If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed in "ADDRESSES" by contacting the person listed under "FOR FURTHER INFORMATION CONTACT."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Discussion of the Proposed Amendment

Information regarding the general background on the Indiana State Program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, **Federal Register** (47 FR 32071–32108).

On September 4, 1985, the Director, Indiana Department of Natural Resources, submitted to OSM pursuant to 30 CFR 732.17, a proposed State program amendment for approval. The proposed amendment to the Indiana program would establish a program for the training, examination and certification of blasters.

On March 4, 1983, OSM issued final rules effective April 14, 1983 establishing the Federal standards for the training and certification of blasters at 30 CFR Part 850 (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each state with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after the publication date of OSM's rule, or March 4, 1984. In Indiana's case, the applicable date is 12 months after the publication date of OSM's rule, or March 4, 1984.

On March 6, 1984, Indiana advised OSM that it was unable to meet the March 4, 1984 deadline, and requested a six or twelve month extension. On May 14, 1984, OSM granted Indiana a twelve month extention to March 4, 1985 (May 14, 1984, 49 FR 20285). On January 10, 1985, Indiana requested an additional six month extension to submit a blaster training program. On April 5, 1985, OSM announced its decision to extend Indiana's deadline to September 4, 1985 (50 FR 13566).

Indiana has submitted its proposed blaster training and certification program at this time in compliance with the September 4, 1985 deadline.

Briefly, the proposed regulations and cites are:

1. Indiana proposes to amend the definition of "certified blaster" at 310 IAC 12–1–3.

2. Indiana proposes to amend 310 IAC 12–5–33 and 12–5–99, general requriement on use of explosives for surface and underground mines, including requirements for blast design and requirements for persons responsible for blasting operations.

3. Indiana proposes to add section 310 IAC 12–8 to establish rules for the training, examination and certification of blasters. Rule 310 IAC 12–8–1 would establish the scope of 310 IAC 12–8–1 through 310 IAC 12–8–9, and 310 IAC 12–8–2 would establish the objective. Proposed rule 310 IAC 12–8–3 would establish the training requirements for persons seeking to become certified blasters. Rule 310 IAC 12–8–4 would cover application reuirements. Rule 310 IAC 12–8–5 would establish the requirments for an examination and applicant experience. Proposed rule 310 IAC 12–8–6, Comity Registration, would allow reciprocal certification for blasters certified in other states, under certain conditions. Rule 310 IAC 12–8–7 would establish requirements for certification. Section 310 IAC 12–8–8 discusses renewal of certification and section 310 IAC 12–8–9 covers revocation of certifications.

Therefore, the Director, OSM, is seeking public comment on the

adequacy of the proposed blaster certification program. Comments should specifically address the issue of whether the proposed amendments are in accordance with SMCRA and are no less effective than its implementing regulations.

III. Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that his rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 8, 1985.

James W. Workman,

Acting Director, Office of Surface Mining.

[FR Doc. 85-27180 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 938

Public Comment and Opportunity for Public Hearing on a Modification to the Pennsylvania Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by the Commonwealth of Pennsylvania as a modification to the Pennsylvania Permanent Regulatory Program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to the remining of previously mined areas having preexisting pollutional discharges.

This notice sets forth the times and locations that the Pennsylvania program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed regarding the public hearing.

DATES: Written comments not received on or before 4:00 p.m. or December 16, 1985 will not necessarily be considered.

If requested, a public hearing on the proposed modifications will be held on December 10, 1985 beginning at 10:00 a.m. at the location shown below under **"ADDRESSES"**.

ADDRESSES: Written comments should be mailed or hand delivered to: Robert Biggi, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101.

If a public hearing is held its location wil be: The Office of Surface Mining, 101 South 2nd Street, Suite L-4, Executive House, Harrisburg, Pennsylvania 17101.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4 Harrisburg, Pennsylvania 17101, Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Pennsylvania program, the proposed modifications to the program, a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one single copy of the amendment by contacting the Harrisburg Field Office.

Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101;

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, DC 20240;

Pennsylvania Department of Environmental Resources, Fulton Bank Building, Third and Locust Streets, Harrisburg, Pennsylvania 17120.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than Harrisburg, Pennsylvania, will not necessarily be considered and included in the Administrative Record for this final rulemaking.

Public Hearing

Persons wishing to comment at a public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business December 2, 1985. If no one requests to comment at a public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber.

Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the OSM office listed under **"ADDRESSES"** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background on the Pennsylvania State Program

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 723, the Secretary disapproved the Pennsylvania program. The State resubmitted its program on January 25, 1982, and subsequently the Secretary approved the program subject to the correction of minor deficiencies. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** notice (47 FR 33050).

III. Submission of Program Amendment

On December 23, 1983, Pennsylvania initially submitted a program amendment to OSM pertaining to the remining of previously mined land having preexisting pollutional discharges. This amendment was in the form of proposed regulations entitled Subchapter F of Chapter 87 and Subchapter 6 of Chapter 88 of Title 25 of the Pennsylvania Code. On February 8, 1984, OSM published a notice in the **Federal Register** inviting public comment on the amendment (49 FR 4791–4792).

The program amendment was subsequently revised and a follow-up submittal made to OSM on June 25, 1984. OSM reopened the comment period on July 24, 1984, for an additional 30 days to allow the public an opportunity to comment on the revisions submitted by the State (49 FR 29807).

Since that time the General Assembly of the Commonwealth of Pennsylvania enacted Act 158 of 1984 which amends the Surface Mining Conservation and Reclamation Act to specifically authorize the remining of previously mined areas having preexisting pollutional discharges. On March 26, 1985, the Pennsylvania Environmental Quality Board promulgated Subchapter F of Chapter 87 and Subchapter 6 of Chapter 88 as final regulations.

On September 5, 1985, Pennsylvania submitted Act 158 and the final regulations adopted by the Board on March 26, 1985, for OSM's approval as an amendment to the Pennsylvania program. In addition to the Act and regulations, Pennsylvania submitted as part of its proposed program amendment a letter from the Pennsylvania Attorney General and a second letter from the Office of General Counsel to the Environmental Protection Agency dated August 19, 1985, and July 8, 1985, respectively. These letters pertain to EPA concerns regarding Act 158 relative to the Federal Clean Water Act. Section 503(b)(2) of SMCRA requires that the Director, OSM, obtain the written concurrence of the Administrator of the EPA with respect to those aspects of a State program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act and the Clean Air Act.

The purpose of this notice is to announce receipt of the State's September 5, 1985 submittal and to invite comment on the proposed provisions. The amendment provisions submitted by the State on September 5, 1985, supersede the State's earlier program submission of December 23, 1983, and revised submittal of June 25, 1984. Accordingly, this proposed rulemaking supersedes OSM's previous proposed rulemakings published February 8, 1984, and July 24, 1984, which are referenced above.

The proposed amendment provides for surface coal mine operators to apply for permits on areas that have pre-existing pollutional discharges resulting from past mining and abatement activities on such areas and later obtain bond release under specified conditions.

The Director is seeking comment on the adequacy of the proposed amendments in satisfying the criteria for approval of State program amendments set forth at 30 CFR 732.15 and 732.17. Comments should specifically address the issues of whether the proposed amendments are consistent with SMCRA and no less effective than the Federal regulations. The full text of the proposed amendment is available for review in the OSM Administrative Record under No. PA–566 at the addresses listed above.

IV. Additional Determinations

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from section 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 8, 1985.

James W. Workman,

Acting Director, Office of Surface Mining.

[FR Doc. 85–27176 Filed 11–14–85; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 943

Permanent State Regulatory Program of Texas

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period on a request submitted by the State of Texas to further extend the deadline for Texas to resubmit rules governing a blaster training, examination and certification program as required by the Federal regulations at 30 CFR Part 850.

On March 1, 1984, the State of Texas submitted to OSM an amendment to its approved regulatory program. OSM announced procedures for a public comment period and a public hearing on the amendment in the **Federal Register** on March 23, 1984 (49 FR 10943). The proposed amendment concerned blaster training, examination and certification.

On June 25, 1984, Texas requested that OSM grant an extension of time for the development of a blaster training, examination and certification program and to suspend the current rulemaking on this subject. On September 21, 1984, OSM announced its decision to suspend

rulemaking on the proposed rules and extend Texas' deadline to March 21, 1985 (49 FR 37062). On March 7, 1985, Texas requested an additional four months extension through July 15, 1985, to submit the State's blaster certification rules. On June 3, 1985, OSM granted the requested extension (50 FR 23299).

In a letter dated October 15, 1985, Texas requested another extension to May 15, 1986.

All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. OSM is proposing to again modify the deadline for Texas to develop and adopt its blaster program. This notice sets forth the dates and locations for submission of written comments.

DATES: Comments not received by 4:00 p.m. December 16, 1985 will not necessarily be considered.

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. James H. Moncrief, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Moncrief, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103; Telephone: (918) 581-7927 .

SUPPLEMENTARY INFORMATION: On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Part 850 M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Texas' program, the applicable date was 12 months after the publication date of OSM's rule, or March 4, 1984.

On March 1, 1984, Texas submitted an amendment to its approved program which was intended to implement the Federal requirements for a blaster training, examination and certification program. OSM published a notice of the public comment period and opportunity for public hearing in the **Federal Register** on March 23, 1984 (49 FR 10943). In its subsequent review of the proposed amendment, OSM identified several deficiencies and pointed these out to the State.

On June 25, 1984, Texas advised OSM that it would require a six-month extension of the deadline for resubmission of a blaster program in order that Texas might adequately address and respond to the issues raised by OSM. Texas also requested suspension of the current rulemaking on this subject. In the September 21, 1984 **Federal Register** OSM announced its decision to suspend the rulemaking and extend Texas' deadline to March 21, 1985 (49 FR 37062).

On March 7, 1985, Texas requested an additional four months extension through July 15, 1985, to submit the State's blaster certification rules, training and certification program. In the June 3, 1985 **Federal Register**, OSM announced its decision to further extend Texas' deadline to July 15, 1985.

On October 15, 1985, Texas requested a further extension to May 15, 1986. Texas stated that, due to restrictions in its Administrative Procedure and Texas Register Act, only one rule action amending § 11.221 may be pending at a time. There is another rulemaking currently ongoing in Texas and therefore blaster certification revisions cannot be submitted at this time. The State anticipates that a rulemaking to revise blaster certification regulations can be submitted as a proposed amendment to the approved State program in Texas by May 15, 1986.

OSM is seeking comment on the State's request for additional time to develop and adopt a blaster certification program. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 943

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 8, 1985.

James W. Workman,

Acting Director, Office of Surface Mining.

[FR Doc. 85-27178 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 943

Permanent Regulatory Program for the State of Texas

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Suspension of a current rulemaking.

SUMMARY: OSM is announcing the suspension of a current proposed rulemaking to amend the Texas permanent regulatory program (hereinafter referred to as the Texas program) under the provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed rule consists of modifications of the Texas regulations pertaining to lands unsuitable for mining, and notices of violation.

On March 29, 1985, the State of Texas submitted to OSM an amendment to its approved program, which proposed modifications to regulations on lands unsuitable for mining and notices of violation. OSM announced receipt of the proposed amendment and procedures for public participation in the **Federal Register** on May 7, 1985 (50 FR 19212). On October 14, 1985, Texas submitted a

letter to OSM saying that the Railroad Commission of Texas was unable to adopt the proposed amendments prior to their automatic withdrawal under the Texas administrative procedures requirements. Therefore, OSM is suspending the current rulemaking until Texas can resubmit the proposed amendments.

EFFECTIVE DATE: November 15, 1985.

ADDRESSES: Copies of documents referenced in this notice are available for public inspection and copying during regular business hours at:

U.S. Department of the Interior, Office of Surface Mining, 1100 L Street, NW., Room 5124, Washington, DC 20240;
U.S. Department of the Interior, Office of Surface Mining, Tulsa Field Office, 333 West 4th Street, Room 3014, Tulsa, Oklahoma 74103.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Moncrief, Acting Director, Tulsa Field Office, Office of Surface Mining, 333 West 4th Street, Room 3014, Tulsa, Oklahoma 74103; Telephone: (918) 581-7927.

SUPPLEMENTARY INFORMATION: On March 29, 1985, Texas submitted a proposed amendment to its permanent regulatory program to modify regulations concerning lands unsuitable for mining and notices of violation. OSM published a notice in the Federal Register on May 7, 1985 (50 FR 19212) announcing receipt of the proposed amendment and an opportunity for public comment and a public hearing.

On August 20, 1985, OSM sent a letter to Texas identifying some concerns with the proposed amendment and suggesting some modifications in light of a recent District Court ruling on Federal "lands unsuitable for mining" regulations. (Round III of *In Re: Permanent Surface Mining Regulation Litigation II*, D.D.C., 1985.)

On October 14, 1985, Texas responded to OSM's letter saying that: "Due to time constraints under Texas administrative procedures requiring action on proposed rules within six months of initial proposal, the Commission was unable to adopt the proposed amendments prior to their automatic withdrawal." The letter stated that Texas will revise and resubmit the proposed rules at a later date. The revised rules will address issues presented in OSM's August 20, 1985 letter. Therefore, OSM is suspending the current rulemaking and will reopen action on these rules when they are resubmitted.

List of Subjects in 30 CFR Part 943

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 8, 1985.

James W. Workman,

Acting Director, Office of Surface Mining.

[FR Doc. 85-27181 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 944

Public Comment and Opportunity for Public Hearing on Proposed Modifications of the Utah Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule. Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the adequacy of proposed amendments to the Utah Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) submitted by Utah for the Director's approval on October 9, 1985 (Administrative Record No. UT-384). The amendments pertain to the regulatory definitions of "amendment" and "incidental boundary change" and to Utah's regulations concerning permit changes.

This notice sets forth the times and locations that the Utah program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments from members of the public received later than 4:30 p.m. on December 16, 1985, will not necessarily be considered in the Director's decision on whether the proposed amendments satisfy the criteria for approval

A public hearing on the proposed amendments has been scheduled for December 10, 1985. Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Hagen at the address and telephone number listed below by December 2, 1985. If no person has contacted Mr. Hagen by this date to express an interest in participating in this hearing, the hearing will not be held.

ADDRESSES: The public hearing will be held between 1:00 p.m. and 4:00 p.m. at 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah. Written comments and requests for an opportunity to speak at the public hearing should be sent to Mr. Robert Hagen, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

Copies of the Utah program, the proposed modifications to the program and all written comments received in response to this notice will be available for public review at the OSM Field Office above and the OSM Headquarters office and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment by contacting the OSM Albuquerque Field Office:

Utah Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203, Telephone: (810) 538-5340
Office of Surface Mining, 1100 "L" Street, NW., Room 5124, Washington, DC 20240, Telephone: (202) 343-5351

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240; Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program under SMCRA for the regulation of surface coal mining operations in the State (46 FR 5899-5915).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981 Federal Register (46 FR 5899-5915).

On October 9, 1985, the Utah Division of Oil, Gas and Mining (DOGM) submitted proposed regulatory amendments for OSM's approval. The rule changes submitted for approval were adopted by the Utah Board of Oil, Gas and Mining on October 2, 1985, but implementation of the revised rules is

pending until approval is granted by OSM.

The amendments include proposed changes to the following sections of Utah's program regulations.

SMC/UMC 700.5 Definitions
Definition of "amendment"
Definition of "incidental boundary change"
SMC/UMC 771.21 Permit Application Filing deadlines
SMC/UMC 788.12 Permit Revisions.

The proposed amendments are available for review, in full text, at the addresses listed above under administrative record number UT-384. The Director seeks public comment on whether the proposed modifications to the Utah permanent program listed above satisfy the criteria for approval of State program amendments listed at 30 CFR 732.15 and 732.17. To approve the proposed provisions OSM must find that the provisions are no less stringent than the Act and no less effective than the Federal regulations. If the Director determines the proposed modifications meet the criteria, the amendments will be approved, and 30 CFR Part 944 modified accordingly.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 2, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 944

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 8, 1985.

James W. Workman,

Acting Director, Office of Surface Mining.

[FR Doc. 85-27185 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2923-9]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to approve a revision to the Illinois State Implementation Plan (SIP) for Carbon Monoxide (CO). This proposed rulemaking incorporates a January 24, 1985, Opinion and Order of the Illinois Pollution Control Board (PCB), PCB 84-147, into the SIP. This order grants Anderson Clayton Foods, Inc. (ACF) a variance from 35 Illinois Administrative Code 216.126 which governs CO emissions from the Fluidized Bed Combuster (FBC) retrofitted boiler at ACF's Jacksonville, Illinois, facility. This action is taken in response to a March 27, 1985, request from the State of Illinois.

DATE: Comments on this revision and on the proposed USEPA action must be received by December 16, 1985.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Uylaine E. McMahan, at (312) 353-0396, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604
Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706.

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 353-0396.

SUPPLEMENTARY INFORMATION: On March 27, 1985, the Illinois Environmental Protection Agency (IEPA) submitted a variance from 35 Illinois Administrative Code 216.126 for a FBC retrofitted boiler at ACF's facility in Jacksonville, Illinois, as a proposed revision to its CO SIP. Jacksonville is located in an area that is classified as attainment with respect to the National Ambient Air Quality Standard (NAAQS) for CO.

The proposed variance will allow CO emissions from the existing boiler that will be retrofitted with a FBC of up to 400 parts per million (ppm), until January 24, 1988. Because the FBC is a major new source in an attainment area, it must meet the best available control technology (BACT) requirement of the Prevention of Significant Deterioration (PSD) regulations. In addition, a new source is required to meet the Illinois SIP limit of 200 ppm for CO. In today's rulemaking, USEPA's proposed finding is limited to determining that the CO NAAQS will not be violated by this variance. In this notice, USEPA makes no finding regarding the State's BACT determination. The IPCB granted ACF a variance from 35 Illinois Administrative Code 216.126 which allows a temporary CO limit of 400 ppm until January 24, 1988. ACF's FBC boiler, is subject to the following operating conditions:

1. CO emissions during the period of the variance must be kept to a level below 400 parts per million.

2. ACF is required to develop and implement a program to study and evaluate any technical advances in the control of CO in fluidized bed combusters.

3. ACF is required to develop and evaluate the operation characteristics of their fluidized bed combusters.

4. ACF is required to submit to IEPA every 6 months, a written report describing the progress of the programs required by conditions 3, 4 and 5.

5. Within 45 days of the date of this Order, ACF shall execute a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance.

USEPA reviewed the air quality analysis section of ACF's

preconstruction permit application that was completed as part of the PSD requirements. The details of this analysis are contained in the March 27, 1985, State submittal. This analysis relies on a screening analysis using USEPA's PTPLU Model (modified to include the Industrial Source Complex's (ISC) building wake algorithm) and included emissions from the proposed retrofitted FBC. This analysis predicted a maximum 1-hour CO impact of 67 $\mu g/m^3$ for the retrofitted FBC. The 1-hour standard for CO is 40,000 $\mu g/m^3$, and the 8-hour standard for CO is 10,000 $\mu g/m^3$. Therefore, the predicted CO impacts are well below the maximum 1-hour and 8-hour secondary NAAQS.

Consequently, it can be concluded that ACF's retrofitted FBC boiler will not have a significant impact on CO air quality in Jacksonville and, therefore, will not interfere with attainment and maintenance of the CO NAAQS. USEPA, is today proposing to approve PCB 84-147 as a revision to the Illinois CO SIP, but not as to any new source review SIP rules. However, USEPA is not affirming the 400 ppm emission limit for CO as BACT for FBC boilers. ACF must comply with all the PSD requirements including BACT for CO upon start-ups of the boiler. The proposed approval of this SIP revision does not in any way eliminate the requirements for ACF to comply with the PSD regulations or any other applicable new source regulation.

USEPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before December 16, 1985, will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office listed at the front of this notice.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Authority: 42 U.S.C. 7401-7642.

Dated: August 29, 1985.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85-27194 Filed 11-14-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-3-FRL-2923-8; EPA Docket No. AM604PA]

Approval and Promulgation of Implementation Plans; Ozone State Implementation Plan for the Luzerne and Lackawanna Counties Region in Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of a Pennsylvania State Implementation Plan (SIP) revision for attainment of the National Ambient Air Quality Standard (NAAQS) for Ozone, in Luzerne and Lackawanna Counties, as authorized under Part D of the Clean Air Act Amendments of 1977. In 1979 the Commonwealth of Pennsylvania adopted an ozone SIP for these two counties which projected attainment of the ozone NAAQS by 1987. EPA approved this SIP revision on May 20, 1980 (45 FR 33607). This SIP was revised by a submittal on September 19, 1980, which projected attainment of the ozone NAAQS by 1982. EPA approved this SIP revision on August 27, 1981 (46 FR 43140). However, on February 22, 1984, EPA, pursuant to section 110(a)(2)(H) of the Clean Air Act, informed Pennsylvania that the SIP was deficient because of continued exceedances of the ozone NAAQS and required the Commonwealth to revise the SIP so that attainment of the ozone NAAQS could be demonstrated. Pennsylvania submitted such a SIP revision to EPA on April 29, 1985.

This revision demonstrates that the ozone NAAQS will be met through the implementation of the Federal Motor Vehicle Control Program and State regulations to control emissions of volatile organic compounds (VOC) from stationary sources. This SIP revision meets all requirements of the Clean Air Act.

DATES: Comments must be received on or before December 16, 1985.

ADDRESSES: Comments may be mailed to Glenn Hanson, Chief, PA/WV Section at the EPA, Region III address given below. Copies of the documents relevant to this proposed action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, 8416 Chestnut Street, Philadelphia, PA 19107, Attn: Patricia Gaughan (3AM11)

Pennsylvania Department of Environmental Resources, P.O. Box 2063, Harrisburg, PA 17120. Attn: Gary Triplett

FOR FURTHER INFORMATION CONTACT: Michael Giuranna (3AM11), PA/WV Section at the EPA, Region III address given above or telephone (215) 597-9189.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments (Act) of 1977 added a new Part D to Title I of the Act. Under this Part, the states had to revise their SIPs for all nonattainment areas and submit the revision to EPA by January 1, 1979 (sections 171-178 of the Clean Air Act; section 129(c) (uncodified) of Pub. L. 95-95). The revised SIPs had to provide for attainment of National Ambient Air Quality Standards (NAAQS) by December 31, 1982, except in the cases of ozone or carbon monoxide, where an extension of the deadline, up to December 31, 1987, was possible if states could demonstrate that they could not meet the December 31, 1982 deadline. States which requested and were granted deadline extensions were required to submit a second SIP revision by July 1, 1982, which was to provide for attainment of the appropriate NAAQS's by the new deadline.

In 1979, Pennsylvania adopted a State Implementation Plan (SIP) which demonstrated that the ozone NAAQS could be attained in Luzerne and Lackawanna Counties no sooner than 1987. EPA approved this SIP on May 20, 1980 (45 FR 33607).

Pennsylvania submitted a revision of this SIP to EPA on September 19, 1980. This revision which was approved by EPA on August 27, 1981, appeared to demonstrate that the ozone NAAQS would be attained by 1982. Since Pennsylvania was able to show that the ozone NAAQS could be attained by 1982, the section 172(b)(11)(B) requirement that they establish a schedule to implement an automotive emission inspection and maintenance program (I/M) was deleted. States that receive an extension of the attainment date for the ozone standard beyond December 31, 1982 must adopt an I/M program (44 FR 20372).

However, subsequent to the August 27, 1981 approval, there have been exceedances of the ozone NAAQS (0.12 ppm, one hour average) at each of the four monitors located in this area. The four monitors are located in Nanticoke, Wilkes-Barre, Scranton and Carbondale.

Even though all of the monitors have shown exceedances of the ozone NAAQS, the only violation of the NAAQS occurred at the Scranton monitor. An area is considered in violation of the ozone NAAQS for any one year if the total number of exceedances, at a monitor, for that year and the previous two years is greater than three. The Scranton site had four exceedances of the standard in 1982, none in 1981, and at least four in 1980. Therefore, the Scranton site was in violation. On February 22, 1984 (47 FR 18827), EPA notified the State that the SIP was deficient and requested that Pennsylvania revise it to demonstrate that the ozone NAAQS will be attained. On April 29, 1985, Pennsylvania submitted this SIP revision to EPA.

This revision demonstrates that the ozone NAAQS will be attained through implementation of the Federal Motor Vehicle Control Program and the Pennsylvania regulations for the control of volatile organic compound (VOC) emissions from stationary sources.

The submittal also included VOC and oxides of nitrogen (NO_x) emission inventories. VOC and NO_x are the primary precursors to ozone formation. These inventories were prepared for 1982 and projected to 1987. EPA approved guidance was used in the preparation of these inventories. The VOC emission inventory projects a 24% decrease in VOC emissions from 1982 to 1987. The NO_x inventory projects a 22% decrease in NO_x emissions for the same period.

To determine the reduction in VOC which would be necessary to bring this area into attainment, a city specific Empirical Kinetic Modeling Analysis (EKMA) was used. This modeling showed that an 8.2% reduction of the VOC emission inventory would be necessary to achieve the standard. Since the VOC emission inventory projects a 14.6% decrease by 1985, this area should attain the ozone NAAQS. All input data used in the EKMA model and emission inventory represent typical summer weekday emission rates in urbanized areas and were determined using EPA approved methodology.

Reasonable Further Progress (RFP), as defined in section 171(l) of the Clean Air Act, requires that emission reductions in a nonattainment area lead to attainment of the ozone standard as expeditiously as practicable.

The EKMA demonstration used to support this revision shows that the 8.2% reduction of the VOC emission inventory will be achieved by early 1984. Since three exceedances occured at the Wilkes-Barre site in 1983, none occured at any site in 1984 and none are predicted in 1985, the ozone NAAQS will be achieved by December 31, 1985.

There are three (3) reasons for the projected VOC emission reductions in Luzerne and Lackawanna counties.

1. The implementation of the Federal Motor Vehicle Emission Control program. This program is designed to eventually reduce automotive emission by over 90%, which will cause a substantial reduction in VOC emissions.

2. Regulations which control VOC emissions from stationary sources were adopted by Pennsylvania in 1979 and 1981. EPA approved these regulations on May 20, 1980 (45 FR 33627) and January 19, 1983 (48 FR 2319). These regulations require installation of reasonably available control technology on VOC sources.

3. All new VOC sources are required to obtain emission offsets in amounts greater than the amount they will be emitting. New VOC sources are also required to install control technology equivalent to the lowest achievable emission rate (LAER).

Prior to final approval, EPA will require that Pennsylvania submit a two part contingency plan for this area. Details of this plan are given in the January 22, 1981, **Federal Register** notice titled "Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Data Extension" (46 FR 7187). The requirements for conformity under section 176(c) of the Clean Air Act and for implementation of reasonably available transportation measures were met in the 1979 SIP for this area (45 FR 33607) and (46 FR 22583) and are still in effect.

Proposed Action

EPA is proposing approval of this revision of the Pennsylvania SIP.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Authority: 42 U.S.C. 7401–7442.

Dated: July 26, 1985.

William T. Wisniewski,

Regional Administrator.

[FR Doc. 85–27195 Filed 11–14–85; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Parts 264 and 265

Hazardous Waste; RCRA Liability Insurance Availability of Information

[SWH-FRL-2924-3]

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of information.

SUMMARY: The Environmental Protection Agency today announces the availability of information collected by EPA from the insurance industry and the RCRA regulated community. The Agency may consider this information in future rulemaking on liability requirements. The information noted consists of data on insurance companies that offered or will continue to offer liability insurance and on hazardous waste management facilities that may close after November 8, 1985, either because of the liability requirements or for other reasons. The Agency does not expect to publish final regulations concerning the liability requirements until sometime after November 8, 1985.

DATE: Comments on the information here noticed must be received by EPA on or before November 25, 1985.

ADDRESS: Comments should be addressed to Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. All communications should identify the information as RCRA liability insurance.

Copies of this information are available for reading at the Subtitle C Docket Room (Room S–212–C), located at 401 M Street SW., Washington, DC, Monday through Friday, except holidays, during the hours of 9:00 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, at (800) 424–9346 (toll free) or at (202) 382–3000.

SUPPLEMENTARY INFORMATION: EPA has promulgated regulations requiring owners and operators of hazardous waste management facilities to obtain liability coverage for bodily injury and property damage to third parties resulting from facility operations. 40 CFR 264.147, 265.147. EPA recently published a notice of proposed rulemaking requesting public comment on the availability of insurance coverage and setting forth several regulatory options under consideration. 50 FR 33902 (Aug. 21, 1985). The comment period on the NPRM closed on September 20, 1985. EPA received about 140 comment letters.

This notice is to inform the public that the Agency has collected additional information from insurance companies and from persons subject to the RCRA insurance requirements. Additional memoranda are also on file documenting contacts with the insurance industry and the regulated community. The survey and memoranda are available for public review at the location described above. The information contained in these documents shows data concerning insurance companies that offered or will continue to offfer liability insurance and information on hazardous waste management facilities that may close after November 8, 1985, because of the insurance requirements or for other reasons.

EPA may gather additional data before deciding what action (if any) to take on revising the insurance requirements. Any such data will be memorialized promptly and included in the public docket at the location described above. The Agency will consider the data noticed today, and all comments received as a result of this notice in its decision on revisions to the RCRA liability insurance requirements. The Agency does not expect to publish final regulations concerning the liability requirements until sometime after November 8, 1985.

Dated: November 8, 1985.

Jack W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 85-27196 Filed 11-14-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Special Rules Applicable to Surface Coal Mining Hearings and Appeals.

AGENCY: Office of Hearings and Appeals, Department of the Interior.

ACTION: Proposed amendments of rules.

SUMMARY: These proposed revisions of existing regulations would confirm that dismissal of the applicable petition or application is the sanction for failure to comply with time limits for (1) filing petitions for review of proposed civil penalties, (2) filing applications for review of notices of violation and cessation orders, and (3) making full payment of proposed civil penalties under section 518(c) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(c) (1982). In the absence of express sanctions or peralties in the regulations the time limits might be construed by some members of the directory, not mardatory.

DATE: Comments are due on or before December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Will A. Irwin, Board of Land Appeals, Office of Hearings and Apeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. Phone: (703) 235-3750.

ADDRESS: Comments may be hand delivered or mailed to: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203.

SUPPLEMENTARY INFORMATION: Amendments are being proposed to 43 CFR 4.1151, relating to the time for filing petitions for review of proposed assessments of civil penalties under § 518(c) of the Act, to 43 CFR 4.1152, relating to contents of the petition and payment required under section 518(c) of the Act, and to 43 CFR 4.1162, relating to the time for filing applications for review of notices of violation and cessation orders under section 521 of the Act, in order to clarify their jurisdictional nature. Although the language in the sections is mandatory, there is no provision in § 4.1151 or § 4.1162 for sanctions or penalties for late filings. Similarly, the language in § 4.1152(c), which provides that failure to make timely payment in full shall result in a waiver of all legal rights to contest the violation or amount of the penalty, does not provide specific sanctions for failture to comply.

The Department has consistently held that petitions for review of penalty assessments not timely filed or unaccompanied by a check for payment in full must be dismissed. *Tri Coal Co.* v. *OSM*, 85 IBIA 146 (1985); *C & K Coal Co.*, 1 IBSMA 118, 86 I.D. 221 (1979). Similarly, it has held that applications for review of notices of violation not timely filed must be dismissed. *Green Coal Co.*, 2 IBSMA 199, 87 I.D. 362 (1980). Nevertheless, in the absence of express sanctions or penalties in the above regulations the time limits might be construed by some members of the public unfamiliar with the Department's holdings as directory, not mandatory. *See Solicitor's Opinion*, M-36876, 81 I.D. 316, 322 (1974); *Tagala* v. *Gorsuch*, 411 F.2d 589 (9th Cir. 1969); *Pressentin* v. *Seaton*, 284 F.2d 199 (D.C. Cir. 1960).

Thus, in order to make clear to the public the necessity for timely filing of petitions for review of penalty assessments, for timely payment in full of such assessments, and for timely filing of applications for review of notices of violation and cessation orders or the modification, vacation, or termination thereof, amendments to the regulations pertaining to these requirements are proposed that will specifically provide that failure to comply shall result in dismissal of the petition or application and that, in civil penalty proceedings, the fact of the violation and the appropriateness of the amount of the penalty shall be deemed admitted and the penalty assessed shall become a final order of the Secretary. *See* 43 CFR 4.450-7(a); *Sainberg* v. *Morton*, 363 F. Supp. 1259 (D. Ariz. 1973); *United States* v. *Weiss*, 431 F.2d (10th Cir. 1970).

Because these rules simply confirm the mandatory nature of existing filing requirements, the Department has determined that these rules are not major, as defined by Executive Order 12291; will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*); and will not significantly affect the quality of the human environment, and therefore no detailed statement is required under the National Environmental Policy Act (42 U.S.C. 4332(2)(c)).

The proposed rules contain no information collection requirements requiring Office of Management and Budget approval under 44 U.S.C. 3507.

The author of these regulation is Will A. Irwin, Administrative Judge, Board of Land Appeals, Office of Hearings and Appeals.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Surface mining.

For the reasons stated in the preamble and under the authority of 30 U.S.C. 1201 *et seq.* (1982), it is proposed to amend 4.1151, 4.1152, and 4.1162 of Subpart L of Part 4 of Title 43 of the Code of Federal Regulations as set forth below.

Dated: November 7, 1985.

Paul T. Baird,

Director, Office of Hearings and Appeals.

PART 4—[AMENDED]

43 CFR Part 4 is amended as follows:

1. The authority citation for Part 4, Subpart L, continues to read as follows:

Authority: 30 U.S.C. 1256, 1260, 1261, 1268, 1271, 1272, 1275, 1293; 5 U.S.C. 301.

2. In Part 4, section 4.1151 is amended by adding paragraph (c), as follows:

§ 4.1151 Time for filing.

* * * * *

(c) No extension of time will be granted for filing a petition for review of

a proposed assessment of a civil penalty as required by paragraph (a) or (b) of this section. If a petition for review is not filed within the time period provided in paragraph (a) or (b) of this section, the fact of the volation and the appropriateness of the amount of the penalty shall be deemed admitted, the petition shall be dismissed, and the civil penalty assessed shall become a final order of the Secretary.

3. In Part 4, § 4.1152 is amended by adding paragraph (d), as follows:

§ 4.1152 Contents of petition; payment required.

* * * * *

(d) No extension of time will be granted for full payment of the proposed assessment. If payment is not made within the time period provided in § 4.1151 (a) or (b), the fact of the violation and the appropriateness of the amount of the penalty shall be deemed admitted, the petition shall be dismissed, and the civil penalty assessed shall become a final order of the Secretary.

4. In Part 4, § 4.1162 is revised.

§ 4.1162 Time for filing.

(a) Any person filing an application for review under § 4.1160 *et seq.* shall file that application within 30 days of the receipt of a notice or order or within 30 days of receipt of notice of modification, vacation, or termination of such a notice or order. Any person not served with a copy of the document shall file the application for review within 40 days of the date of issuance of the document.

(b) No extension of time will be granted for filing an application for review as provided by paragraph (a) of this section. If an application for review is not filed within the time period provided in paragraph (a) of this section, the application shall be dismissed.

[FR Doc. 85-27087 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 172

[CGD 80-159]

Damage Stability and Flooding Protection for Great Lakes Vessels

Correction

In FR Doc. 85-26622 beginning on page 46315 in the issue of Thursday, November 7, 1985, make the following corrections:

1. On page 46317, in the first column, in the first complete paragraph, in the sixth and fourteenth lines, "STEWARD" should read "STEWART".

2. On page 46319, in the second column, in Table 172.235, in the first and fourth entries, in the second column, "(⅓) $L^{2/3}$" should read "(⅓) $L^{2/3}$".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 50, No. 221
Friday, November 15, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement: California-Oregon Transmission Project

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement (PMOA) under 36 CFR 800.08 of the Council's regulations, with the Western Area Power Authority, the Transmission Agency of Northern California, and the State Historic Preservation Officers (SHPO) of California and Oregon regarding the subject project, a power transmission system involving 500 kV and 230 kV transmission lines, substations, and other facilities in California and Oregon.

The proposed agreement provides for development and implementation of a comprehensive program to identify historic properties subject to effect by the project, consult with concerned parties, avoid such properties where feasible, and conduct archeologicial data recovery where necessary, guided by a comprehensive research design.

DATE: Comments due: December 16, 1985.

ADDRESS: Advisory Council on Historic Preservation, 730 Simms Street, Room 450, Golden, CO 80401. Attn: Mr. Alan Downer.

Dated: November 7, 1985.

Robert R. Garvey,

Executive Director.

[FR Doc. 85-27209 Filed 11-15-85; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1986 Peanut Marketing Quota and Acreage Allotment Program

ACTION: Final and proposed determinations with regard to the marketing quota and national acreage allotment program for the 1986 crop of peanuts.

SUMMARY: The purposes of this notice is to announce the following final determinations for the 1986 crop of peanuts: (a) A national marketing quota of 2,177,525 tons, and (b) a national acreage allotment of 1,610,000 acres. In addition, this notice includes the following proposed determinations for which public comments are requested: (a) The referendum period and the method of balloting for the 1986 national marketing quota referendum of producers to be held prior to December 15, 1985; (b) the method of apportionment of the national acreage allotment to States and individual farms; (c) State allotment reserves; and (d) the price support level for peanuts. These determinations are required by section 358 of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "1938 Act"), and section 101 of the Agricultural Act of 1949 (the "1949 Act").

EFFECTIVE DATE: The final determinations are effective November 15, 1985. Comments on the proposed determinations must be received on or before November 22, 1985, in order to be assured of consideration.

ADDRESSES: Send comments to Director, Commodity Analysis Divison, Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture (USDA), 3741-South Building, P.O. Box 2415, Washington, DC 20013. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741-South Building, 14th and Independence Avenue, SW., Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Agricultural Economist, ASCS, USDA, Room 3732-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5953, a combined Preliminary Regulatory Impact Analysis and Regulatory Flexibility Analysis is available upon request.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been designated "major." It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases, Number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Staement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officals. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Since the national marketing quota and the national acreage allotment for the 1986 crop of peanuts are calculated in accordance with the formula prescribed by section 358(a) of the 1938 Act and since the proclamation of such quota and allotment is required to be made by December 1, 1985, it has been determined that public comment is not necessary or practicable with respect to these determinations.

Allotment notices are expected to be issued to producers prior to a marketing quota referendum to facilitate producer voting decisions in the producer referendum which is required to be held prior to December 15, 1985. Accordingly, it has been determined with respect to the proposed determinations in this notice that the public comment period should be limited to a period ending on November 22, 1985. This will allow the Secretary sufficient time to properly consider the comments received before the final program determinations are made.

This notice sets forth determinations on the following matters for the 1986 crop of peanuts:

1. National Marketing Quota and National Acreage Allotment

Section 358(a) of the 1938 Act provides that between July 1 and December 1 of each calendar year the Secretary shall proclaim a national marketing quota for the crop of peanuts to be products in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the 5 years immediately preceding the year in which the quota is proclaimed, adjusted for current trends and prospective demand conditions. Further, section 358(a) of the 1938 Act provides that the quota shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Because the marketing quota for 1986-crop peanuts is determined in the 1985 calendar year, the 1980–84 average quantity of peanuts harvested for nuts is the five-year average to be used as the basis for determining such quota.

Hot, dry weather reduced yields and production of 1980-crop peanuts substantially below the trend level. For that reason, in order to provide a more accurate trend figure for production, figures for the 1980 crop have been excluded from the calculation of the average quantity of peanuts harvested for nuts in the 1980–84 period. The average quantity of peanuts harvested for nuts in the five-year base period, as adjusted, is 1,890,500 tons. With respect to demand conditions, the total quantity of peanuts required for domestic edible use, seed, crushing and exports for the 1986–87 marketing year is projected to be 1,655,000 tons based upon the data in the following individual estimates:

PEANUTS.—PROJECTED REQUIREMENTS FOR EDIBLE AND RELATED USES FOR THE 1986-87 MARKETING YEAR BEGINNING AUGUST 1, 1986.

	1,000 tons
Domestic edible use	1,039
Seed	106
Commercial crushing	150
Exports	300
Total	1,655

The quantity shown is used as the prospective demand adjustment factor because such uses reflect commercial requirements. Accordingly, the national marketing quota based upon the five-year average quantity of peanuts harvested for nuts, adjusted for current trends and prospective demand conditions, is 1,655,000 tons.

Section 358(a) of the 1938 Act requires that the national marketing quota be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year the which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields in such five years. As previously indicated, section 358(a) of the 1938 Act further provides, however, that the national acreage allotment can be no less than 1,610,000 acres. The average yield for 1980–84 crop peanuts for the United States, adjusted for trends and abnormal conditions of production affecting yields, has been determined to be 2,661 pounds per harvested acre. To adjust for trend conditions, figures for the 1980 crop year were excluded from the calculation of the average because of the drought conditions which existed for that crop year.

With a 2,661 pound-per-acre estimated normal yield for 1986-crop peanuts, a 1,343,893-acre national allotment (including adjustments for under-harvesting) would be required to produce the 1,655,000-tons marketing quota. Since such an allotment is below the statutory minimum national acreage allotment permitted by the 1938 Act, the national acreage allotment for the 1986 crop of peanuts will be 1,610,000 acres.

The national marketing quota, which is the quantity of peanuts sufficient to provide the 1,610,000-acre minimum national allotment, is 2,142,105 tons. This figure has been determined by multipying 1,610,000 acres by the estimated national average normal yield and converting that product to short tons.

2. State and Individual Farm Allotments and Allotment reserves

Section 358(c)(1) of the 1938 Act requires that, for each year subsequent to 1951, the national acreage allotment for that year shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. The 1981 crop is the most recent year for which a national acreage allotment was proclaimed.

Effective for the 1978–1981 crops only, section 358(c)(1) of the 1938 Act was amended by the Food and Agriculture Act of 1977 to provide that the New Mexico acreage allotment would be not less than the 1977 acreage allotment established for the State, as increased for a short supply determination which was made for Valencia type peanuts in 1977 in the amount of 4,000 acres under the provisions of section 358(c)(2) of the 1938 Act. However, the provisions of section 358(c)(2) of the 1938 Act which are applicable to the 1986 and subsequent crops of peanuts provide that any increase in acreage which is alloted to States as the result of a short supply determination shall not be taken into consideration in establishing future State, county, or farm acreage allotments.

Therefore, it is proposed in this notice that the national acreage allotment for the 1986 crop of peanuts will be apportioned to States on the basis of each State's percentage share of the 1981-crop national acreage allotment less 4,000 acres. In addition, the 1986 allotment for New Mexico will be determined by calculating its share of the 1981 national acreage allotment after deducting the 4,000 acres represented by the short supply determination.

Section 358(d) of the 1938 Act specifies with respect to individual farm allotments that the Secretary shall provide for the apportionment of the State acreage allotment for any State, less a reserve of 1 percent of the State acreage allotment to be allotted to new farms under section 358(f), through local committees among farms on which peanuts were grown in any of the three years immediately preceding the year for which such allotment is determined. Section 358(d) specifies further that, except in determining new farm allotments, allotments to individual farms shall be made on the basis of the following: (1) Past acreage of peanuts, taking into consideration the acreage allotments previously established for the farm; (2) abnormal conditions affecting acreage; (3) land, labor, and equipment available for the production of peanuts; (4) crop-rotation practices; and (5) soil and other physical factors affecting the production of peanuts. Any acreage of peanuts harvested in excess of the allotted acreage for any farm for any year may not be considered in the establishment of the allotment for the farm in succeeding years.

3. Producer Referendum

Section 358(b) of the 1938 Act provides that, not later than December 15 of each calendar year, the Secretary shall conduct a referendum of farmers engaged in the production of peanuts in the calendar year in which the referendum is held to determine whether such farmers are in favor of or opposed

to marketing quotas with respect to the crops of peanuts produced in the three calendar years immediately following the year in which the referendum is held.

Section 358(b) further provides that, if as many as two-thirds of the farmers voting in any referendum vote in favor of marketing quotas, no referendum shall be held with respect to quotas for the second and third years of the period. Section 358(b) also provides that the Secretary shall proclaim the results of the referendum within 30 days after the date on which it is held and, if more than one-third of the farmers voting in the referendum vote against marketing quotas, the Secretary also shall proclaim that marketing quotas will not be in effect with respect to the crop of peanuts produced in the calendar year immediately following the calendar year in which the referendum is held.

Conditions of eligibility relating to voting in the referendum are set forth at 7 CFR Part 717. These regulations provide at 7 CFR 717.3(a)(9) that the referendum shall be held among farmers engaged in the production of peanuts in the calendar year in which the referendum is held. For the purposes of conducting a marketing quota referendum for peanuts, the phrase "farmers engaged in the production of a commodity [i.e., peanuts]" is defined in § 717.3(b) to include any person who is entitled to share in a crop of the commodity, or the proceeds thereof because the producer shares in the risks of production of the crop as an owner, landlord (except for a landlord whose return from the crop is fixed regardless of the amount of the crop produced), tenant, or sharecropper on a farm on which such crop is planted in a workmanlike manner for harvest. Also, § 717.3(b) provides that any failure to harvest the crop because of conditions beyond the control of such person shall not affect such person's status as a farmer engaged in the production of the crop. In addition, the phrase "farmers engaged in the production of a commodity" includes each person who it is determined would have had an interest as a producer in the commodity on a farm for which a farm allotment for the crop of the commodity was established and no acreage of the crop was planted but an acreage of the crop was regarded as planted for history acreage purposes under the applicable commodity regulations.

The regulations further provide at 7 CFR 717.3(c) that, in the case of a referendum for marketing quotas for peanuts, farmers engaged in the production of peanuts as determined under § 717.3(b) shall not be eligible to vote in the referendum if the farm does not have any production of peanuts subject to marketing quotas.

The 1981 crop year was the last for which marketing quotas were in effect. For purpose of conducting the referendum for peanuts under the provisions of 7 CFR Part 717, it is proposed that voter eligibility shall be determined on the basis of peanut production in crop year 1981 except for the purposes of: (i) Accounting for permanent transfers of a poundage quota and/or allotment since the establishment of the 1981 farm allotments or (ii) Accounting for farms for which 1981 crop allotments had been established but which no longer have cropland in agricultural production.

4. Price Support

Section 101(a) of the 1949 Act provides that the Secretary of Agriculture is authorized and directed to make available price support through loans, purchases or other operations to cooperators for any crop of peanuts, if producers have not disapproved marketing quotas for such crop, at a level not in excess of 90 per centum of the parity price of peanuts nor less than the level provided for in section 101(b) of the 1949 Act. Section 101(b) of the 1949 Act provides that:

If the supply percentage as of the beginning of the marketing year is—	The level of support shall be not less than the following percentage of the parity price—
Not more than 108	90
More than 108 but not more than 110	89
More than 110 but not more than 112	88
More than 112 but not more than 114	87
More than 114 but not more than 116	86
More than 116 but not more than 118	85
More than 118 but not more than 120	84
More than 120 but not more than 122	83
More than 122 but not more than 124	82
More than 124 but not more than 125	81
More than 125 but not more than 126	80
More than 126 but not more than 127	79
More than 127 but not more than 128	78
More than 128 but not more than 129	77
More than 129 but not more than 130	76
More than 130	75

Section 408 of the 1949 Act defines the "supply percentage" of peanuts as the percentage which the estimated total supply of peanuts is of the normal supply of peanuts as determined by the Secretary from the latest available statistics of the Department of Agriculture as of the beginning of the market year for peanuts.

The marketing year for 1986-crop peanuts, as specified by section 359 of the 1938 Act, begins on August 1, 1986. The "total supply" of peanuts, as defined in section 301(b)(16)(A) of the 1938 Act, is the carry-over of peanuts at the beginning of the applicable marketing year, plus the estimated production of peanuts in the United States during the calendar year in which such marketing year begins and the estimated imports of peanuts into the United States during such marketing year. The "normal supply" of peanuts is defined by section 301(b)(10)(A) of the 1938 Act as: (i) The estimated domestic consumption of peanuts for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus (ii) the estimated exports of peanuts for the marketing year for which normal supply is being determined, plus (iii) an allowance for carry-over. Section 301(b)(10)(A) of the 1938 Act further provides that the allowance for carry-over for peanuts shall be 15 per centum of the sum of the consumption and exports used in computing normal supply.

Section 301(b)(10)(A) also provides that in determining "normal supply" the Secretary shall make such adjustments for current trends in consumption and for unusual conditions as the Secretary may deem necessary.

Section 101(d)(3) of the 1949 Act provides that the level of price support to cooperators for peanuts for which marketing quotas have been disapproved by producers shall be 50 percent of the parity price of peanuts. Section 101(d)(5) of that Act provides further that price support may be made available to noncooperators at such levels, not to exceed the level of price support to cooperators, as the Secretary determines will facilitate the effective operation of the program. Section 408(b) of the 1949 Act defines a "cooperator" as a producer on whose farm the acreage planted to peanuts does not exceed the farm acreage allotment for peanuts.

Based upon current data, it is estimated that the supply percentage for peanuts at the beginning of the 1986 marketing year will exceed 130 percent. Accordingly, if marketing quotas are not disapproved for the 1986 crop of peanuts, the level of price support to cooperators under section 101 of the 1949 Act would be not less than 75 percent of the parity price of peanuts.

Section 401(b) of the 1949 Act provides that the following factors shall be taken into consideration in determining the level of support in excess of the minimum level prescribed by section 101: (1) The supply of the

commodity in relation to the demand therefor, (2) the price levels at which other commodities are being supported, (3) the availability of funds, (4) the perishability of the commodity, (5) the importance of the commodity to agriculture and the national economy, (6) the ability to dispose of stocks acquired through a price-support operation, (7) the need for offsetting temporary losses of export markets, and (8) the ability and willingness of producers to keep supplies in line with demand.

Final Determinations

Accordingly, the following final determinations are made with respect to the 1986 crop of peanuts:

1. National Marketing Quota

The national marketing quota for the 1986 crop of peanuts is hereby determined and proclaimed to be 2,142,105 tons.

2. National Acreage Allotment

The national acreage allotment for 1986-crop peanuts is hereby determined and proclaimed to be 1,610,000 acres.

Proposed Determinations

Further, the following determinations for the 1986 crop of peanuts are proposed for comment:

1. Method of Apportioning National Acreage Allotment to the States and Individual Farms

A. State acreage allotments will be based on each State's share of the 1981 national acreage allotment after the deduction from the 1981 national acreage allotment and the 1981 New Mexico acreage allotment of the 4,000-acre short supply increase for New Mexico which was contained in the 1981 New Mexico and national acreage allotments.

B. Acreage allotments for individual farms will be determined based upon each farm's actual share of the 1981 peanut acreage allotment for the State in which such farm is located if peanuts were produced on such farm in at least one of three crop years 1979–81. Also, adjustments will be made to the individual farm acreage allotments taking into account any cropland removed from agricultural production during the crop years 1981–85 and any permanent transfers of peanut poundage quotas and/or acreage allotments which occurred after the establishment of 1981 crop peanut acreage allotments.

2. State Acreage Allotment Reserves

A. A State acreage allotment reserve not to exceed 1 per centum of the State acreage allotment shall be established for apportionment to new farms in accordance with the provisions of section 358(f) of the Agricultural Adjustment Act of 1938.

B. A State acreage allotment reserve of not to exceed 10 per centum of the State acreage allotment shall be established for correction of errors and for adjustments in acreage allotments that may result from requests for reconsideration and appeals under 7 CFR Part 780.

3. Date and Conduct of Marketing Quota Referendum for the 1986, 1987 and 1988 Crop of Peanuts

The referendum on marketing quotas for the 1986 crop of peanuts will be held during the period December 9–13, 1985, inclusive, by mail ballot, in accordance with the procedures for conducting producers referenda set forth in 7 CFR Part 717.

For purposes of applying those regulations, eligibility to vote in the referendum shall be determined on the basis of peanut production in the 1981 crop year except for the purposes of accounting for permanent transfers of poundage quotas and/or acreage allotments or accounting for farms which no longer have cropland in agricultural production. In the case of permanent transfers of poundage quotas or acreage allotments since the 1981 crop year, the receiving farm shall be deemed to have acquired the voting eligibility of the owners of the transferring farm. In those cases where there was no permanent transfer of a poundage quota or acreage allotment from a farm for which an acreage allotment has been established for the 1981 crop year but where the cropland of the farm is no longer in agricultural production, no voter eligibility will be established based upon the 1981 peanut production for such farm.

4. Price Support Levels

A. If the national marketing quota is approved in the referendum, it is proposed that the level of price support for 1986 crop peanuts for cooperators shall be established at the minimum level of price support authorized by section 101 of the Agricultural Act of 1949. Accordingly, if the supply percentage for peanuts as of August 1, 1986, exceeds 130 percent, the level of price support would be equal to 75 percent of the parity price for peanuts as of that date.

B. If the national marketing quota is disapproved, the level of price support for peanuts for cooperators shall be established at 50 percent of the parity price for peanuts as of August 1, 1986 as required by section 101(d)(3) of the Agricultural Act of 1949.

C. Price support will not be available for non-cooperators.

Comments are requested on the proposed levels of price support and the other matters proposed in this notice.

Authority: Secs. 301, 358, 359, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 55 Stat. 90, as amended (7 U.S.C. 1301, 1358, 1359); Secs. 101, 408, 63 Stat. 1051, as amended, 63 Stat. 1055, as amended (7 U.S.C. 1441, 1428).

Signed at Washington, D.C., on November 12, 1985.

John R. Block,

Secretary.

[FR Doc. 85-27248 Filed 11-12-85; 3:36 pm]

BILLING CODE 3410-05-M

Forest Service

Okanogan National Forest Grazing Advisory Board; Meeting

The Okanogan National Forest Grazing Advisory Board will meet at 7:30 p.m., December 10, 1985 at the Supervisor's office, 1240 South Second Avenue, Okanogan, WA 98840. The agenda for the meeting is to discuss the future of the Advisory Board and handle any new items that may come up between now and the meeting.

The meeting will be open to the public. Persons who wish to attend should notify Don Pridmore at the above address or call 509–422–2704. Issues to present to the Board must be in writing and may be filed with the board before or after the meeting.

The committee has established the following rules for public participation: Public comments will be heard during the first 30 minutes of the meeting.

William D. McLaughlin,

Forest Supervisor.

November 4, 1985.

[FR Doc. 85-27158 Filed 11-14-85; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Joint Meeting of the Electronic Instrumentation Technical Advisory Committee, the Computer Systems Technical Advisory Committee and the Automated Manufacturing Equipment Technical Advisory Committee; Partially Closed Meeting

A joint meeting of the Electronic Instrumentation, the Computer Systems and the Automated Manufacturing Equipment Technical Advisory Committees will be held December 3,

1985 at 9:30 a.m., the Federal Building, Room 2007, 450 Golden Gate Avenue, San Francisco, CA. The meeting will continue to its conclusion on December 4, 1985, in Room 15018, the Federal Building.

Agenda

1. Introduction of members and guests.
2. Opening remarks by the Chairmen.
3. Presentation of papers or comments by the public.
4. Industry presentations on lasers, laser systems and CCL 1565 as it pertains to instrumentation.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determinations to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202–377–4217. For further information or copies of the minutes contact Margaret A. Cornejo, (202) 377–2583.

Dated: November 12, 1985.

Margaret A. Cornejo,

Acting Director, Technical Programs, Office of Export Administration.

[FR Doc. 85–27292 Filed 11–14–85; 8:45 am]

BILLING CODE 3510–DT–M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; University of Mexico et al.

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Decision: Denied. Applicants have failed to establish that domestic instruments of equivalent scientific value to the foreign instruments for the intended purposes are available.

Reasons: Section 301.5(e)(4) of the regulations requires the denial of application that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for each of the listed dockets.

Docket No. 84–245. Applicant: University of New Mexico, Albuquerque, NM 87131. Instrument: Isotope Ratio Mass Spectrometer, Model Delta E. Date of denial without prejudice to resubmission: July 1, 1985.

Docket No. 84–251. Applicant: Michigan State University, East Lansing, MI 48824. Instrument: Spectrometer, Model AM–400 with Accessories. Date of denial without prejudice to resubmission: August 9, 1985.

Docket No. 84–274. Applicant: Columbia University, Palisades, NY 10964. Instrument: Susceptibility System with Accessories. Date of denial without prejudice to resubmission: July 3, 1985.

Docket No. 84–285. Applicant: The Pennsylvania State University, University Park PA, 16802. Instrument: Underground Service Chart Recorder. Date of denial without prejudice to resubmission: July 2, 1985.

Docket No. 85–017. Applicant: University of Miami, Miami, FL 33101. Instrument: Fluorescence Microscope. Date of denial without prejudice to resubmission: July 2, 1985.

Docket No. 85–018. Applicant: University of North Carolina, Chapel Hill, NC 27514. Instrument: Reflex Metrograph. Date of denial without prejudice to resubmission: July 22, 1985.

Docket No. 85–047. Applicant: University of Chicago, Argonne, IL 60439. Instrument: Particle Analyzing System, Model PAS–II. Date of denial without prejudice to resubmission: July 29, 1985.

Docket No. 85–067. Applicant: Geophysical Institute, Fairbanks, AK 99701. Instrument: Imaging Photon Detector System. Date of denial without prejudice to resubmission: July 3, 1985.

Docket No. 85–096. Applicant: University of Washington, Seattle, WA 98195. Instrument: Digital Pressure Controllers and Triaxial Cell. Date of denial without prejudice to resubmission: August 9, 1985.

Docket No. 85–099. Applicant: University of California, Los Angeles, Los Angeles, CA 90024. Instrument: Terrain Meter. Date of denial without prejudice to resubmission: July 3, 1985.

Docket No. 85–123. Applicant: Mount Sinai Hospital Medical Center, Chicago, IL 60608. Instrument: Electron Microscope. Date of denial without prejudice to resubmission: July 30, 1985.

Docket No. 85–142. Applicant: University of Texas, Austin, TX 78713. Instrument: Isotope Spectrometer, Model Sira 24. Date of denial without prejudice to resubmission: July 29, 1985.

Docket No. 85–176. Applicant: St. Elizabeth Medical Center, Covington, KY 41014. Instrument: Electron Microscope. Date of denial without prejudice to resubmission: July 30, 1985.

Docket No. 85–217. Applicant: Emory University, Atlanta, GA 30332. Instrument: Lithotripter. Date of denial without prejudice to resubmission: August 13, 1985.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85–27214 Filed 11–14–85; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Gulf of Alaska workgroup will convene a public meeting to continue working on recommendations for revising the Gulf of Alaska Groundfish Fishery Management Plan, November 19–20, 1985, at the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 7600 Sand Point Way, Building 4, Room 2143, beginning at noon on November 19. For further information contact Steve Davis, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone (907) 274–4563.

Dated: November 8, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85-27215 Filed 11-14-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing the Import Limit for Certain Cotton Textile Products Produced or Manufactured in Pakistan

November 12, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 18, 1985. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan provides consultation levels for certain categories, such as Category 369pt. (all T.S.U.S.A. numbers except 366.1720, 366.1740, 366.1955, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2840—formerly 366.2740), which may be adjusted upon agreement between the two governments. The Governments of the United States and Pakistan have agreed to further amend their bilateral agreement to increase this designated consultation level from 6,273,739 pounds to 6,673,739 pounds for the current agreement year which began on January 1, 1985 and extends through December 31, 1985 for goods exported during that period. The letter to the Commissioner of Customs which follows this notice implements this agreed increase.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

November 12, 1985

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 21, 1984, which directed you to prohibit entry of certain cotton textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985.

Effective on November 18, 1985, the directive of December 21, 1984 is hereby amended to increase the restraint limit previously established for cotton textile products in Category 369pt.[1] to 6,673,739 pounds.[2]

[FR Doc. 85-27240 Filed 11-14-85; 8:45 am]

BILLING CODE 3510-DR-M

New Import Control Limits for Certain Wool Textile Products Produced or Manufactured in Macau

November 12, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 18, 1985. For further information contact Nathaniel Cohen, Trade Reference Assistant Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

In accordance with the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1983 and January 9, 1984, as amended, between the Governments of the United States and Macau, the United States Government is implementing import controls on wool textile products in Categories 400-469 (except Category 455), as a group, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1985 at the agreed limit for 1985 of 1,751,084 square yards equivalent which includes available carryover and carryforward. The group level has not been adjusted to account for any imports exported after January 1, 1985. Imports during the January-August 1985 period for goods in those categories in the group which are not currently controlled by Customs have amounted to 151,741 square yards equivalent and will be charged to the group limit. Further charges will be made for these categories as the data become available.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textiles Agreements.

November 12, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 10, 1984 by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Macau.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Agreement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1983 and January 9, 1984, as amended, between the Governments of the United States and Macau; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on November 18, 1984, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Categories 400-469 (excluding Category 455) as a group, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985, in excess of 1,751,084 square yards equivalent.[1]

[1] In Category 369, all T.S.U.S.A. numbers except 366.1720, 366.1740, 366.1955, 366.2020, 366.2040, 36.2420, 366.2440 and 366.2840-(formerly 366.2740)

[2] The level has not been adjusted to reflect any imports exported after December 31, 1984.

[1] The level has not been adjusted to reflect any imports in categories not currently controlled which have been exported after December 31, 1984.

Continued

Textile products in the group, other than those controlled in the directive of December 10, 1984, which have been exported to the United States prior to January 1, 1985 shall not be subject to this group limit.

Textile products in the group, other than those already controlled pursuant to the directive of December 10, 1984, which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-27241 Filed 11-14-85; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1986; Addition

AGENCY: Committee for Purchase from the Blind and Other Serverly Handicapped

ACTION: Addition to procurement list.

SUMMARY: This action add to Procurement List 1986 a service provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: November 15, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On August 16, 1985, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (50 FR 33094) of proposed additions to and deletions from Procurement List 1986, October 15, 1985 (50 FR 41809).

Addition

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.5.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

(a) The action will not result in any additional reporting, recordkeeping or other compliance requirements.

(b) The action will not have serious economic impact on any contractors for the service listed.

(c) The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1986:

Janitorial/Custodial, Resources Management Office Building, 400 Riverside Drive, Clarkston, Washington.

C. W. Fletcher,

Executive Director.

[FR Doc. 85-27211 Filed 11-14-85; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1986; Proposed Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped

ACTION: Proposed additions to and deletion from procurement list.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1986 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: December 18, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1986, October 15, 1985 (50 FR 41809):

Commodities

Drape, Surgical, Disposable, 6530-01-032-4088, 6530-01-032-4089

Smock, Medical Assistant's, 6532-00-117-7487, 6532-00-117-7542, 6532-00-117-7543, 6532-00-117-7546

Cleaning Compound, Windshield, 6850-00-2275

Services

Commissary Shelf Stocking and Custodial, Fort Rucker Alabama

Commissary Shelf Stocking and Custodial, Commissary and Commissary Annex, Fort Hood, Texas

Janitorial/Custodial

All Family Housing Units and Buildings 672, 1001,2004, 2033, 2034, 2042, 2044, 2048, 2076, 2077, 2082, 2085, 2100, 2121, 3041, 3074, 3094, 3100, 3104, 3169, 3228, 3250, 3252, 3255, 3301, 3307, 3400, 4320, 24003, 24164 and 24165

U.S. Marine Corps, MCDEC, Quantico, Virginia

Janitorial/Custodial, Federal Building, 500 Quarrier Street, Charleston, West Virginia.

Deletion

It is proposed to delete the following service from Procurement List 1986, October 15, 1985 (50 FR 41809):

Commissary Shelf Stocking and Custodial, Oakland Army Base, Oakland, California.

C.W. Fletcher,

Executive Director.

[FR Doc. 85-27212 Filed 11-14-85; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1986; Establishment; Notice Correction

In FR Doc. 85-24406 appearing at page 41809 in the issue for Tuesday, October 15, 1985, make the following corrections:

1. On page 41810, third column, third line from the bottom, second four-digit number reading "-5610" should read "-5680".

2. On page 41812, first column, under CLASS 6230, Light, Desk, second line,

Imports in these categories during the January-August period have amounted to 151,741 square yards equivalent.

second four-digit number reading "-3432" should read "-3423".

3. On page 41819, first column, midway down under Socks, Extreme Cold Weather, four lines down, two-digit number reading "-00" should read "-01".

4. On page 41820, second column, midway down under Seal, Metal Band, first and second line reading "#0186" should read "#0816".

5. On page 41821, third column, seventh line from the top, insert "Fort Monmouth (Ocean Port), New Jersey (SH)" as the eighth line.

C.W. Fletcher,

Executive Director.

[FR Doc. 85-27210 Filed 11-14-85; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Electronic Warfare; Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on Electronic Warfare will meet in closed session on 16 December 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will examine current electronic warfare technical issues, vulnerabilities of U.S. systems, and the means of countering the effects of these technologies.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: November 12, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-27267 Filed 11-14-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Multi-National FOFA Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on Multi-National FOFA will meet in closed session on 10-11 December 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will continue to review, in detail, classified material associated with conventional military capabilities in NATO with a view towards future U.S. and NATO requirements.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: November 12, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-27268 Filed 11-14-85; 8:45 am]

BILLING CODE 3810-01-M

Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, December 3, 1985; Tuesday, December 10, 1985; Tuesday, December 17, 1985; Tuesday, December 24, 1985; and Tuesday, December 31, 1985 at 10:00 a.m. in Room 1E801, The Pentagon, Washington, DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392.

At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, DC 20301.

Dated: November 12, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

FR Doc. 85-27266 Filed 11-14-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Intent To Prepare an Environmental Impact Statement (EIS) for Military Housing Project, San Pedro, CA

The United States Air Force, Headquarters Space Division, Los Angeles Air Force Station (LAAFS), California, is proposing to construct 170 single family homes for Air Force officers on up to 50 acres of the area known as White Point in San Pedro, California. White Point is located approximately 20 miles (by roadway) southeast of the Station.

The proposed 170 units are needed to eliminate a critical shortage of housing for military members assigned to LAAFS. The units will generate a population of approximately 650.

Alternatives: Congressional approval of this project did not provide funds for land acquisition. Consequently, site selection is limited to lands already under DOD jurisdiction or lands conveyed to local governments with reversion rights for national defense purposes. Other sites under consideration, either as alternatives to White Point or in conjunction with a reduced portion of White Point, are Bogdanovich Park and the Fort MacArthur Upper Reservation.

Headquarters Space Division will conduct scoping and other technical information-gathering meetings to seek community input into the environmental analysis process starting in early December, 1985. Meetings will be held in the San Pedro area. Specific locations(s) will be prominently announced in local newspapers.

Questions concerning the EIS, proposed action, or scoping meeting should be addressed to: HQ Space Division/DEV, P.O. Box 92960, Worldway Postal Center, Los Angeles, CA 90009, ATTN: Mr. Robert Mason, Telephone (213) 643–0933.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85–27129 Filed 11–14–85; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)
Dates of meeting: 3 thru 6 December 1985
Times of meeting: 0900–1700 hours
Place: Fort Leavenworth, KS

Agenda: The Army Science Board Ad Hoc Subgroup on Army Utilization of Space Assets will conduct a follow-on meeting to review space related technologies and their applicability to potential Army space missions. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85–27149 Filed 11–14–85; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation; Information Collection Activities Under OMB Review

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve a new information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Green, Defense Acquisition Regulatory Council, 202–697–7268 or Mr. Frank Van Lierde, Civilian Agency Acquisition Council (202–523–3781).

SUPPLEMENTARY INFORMATION:

a. *Purpose:* 1. This request covers the collection of information to be used in the certification of commercial pricing. The proposal requires potential contractors under certain Federal contracts to certify that the prices offered for items of supply sold to the public are no higher than the lowest agreed to sale price with any other customer, or justify charging the Government more than the lowest price charged other customers for the same items of supply. This information is required by sec. 204 of Pub. L. 98–577 "Small Business and Federal Procurement Competition Enhancement Act of 1984", and sec. 1216 of Pub. L. 98–525 "Defense Procurement Reform Act of 1984."

b. *Annual reporting burden:* This is estimated as follows: Respondents, 4,756; responses, 47,560; and reporting and recordkeeping hours, 22,895.

c. *Additional data:* An approval request for this information collection was submitted to OMB on June 25, 1985, but was not approved. Subsequent to that submission, public comments were received on the interim rule published in Federal Acquisition Circular 84–10 on July 3, 1985 (50 FR 27560). Further, public comments were solicited and received in connection with a public meeting held on September 10, 1985 (50 FR 35815, Sept. 4, 1985). The interim rule has been significantly revised in consideration of the public comments, and burdens on the public have been considerably reduced. While the public comments received indicated that burden estimates for the interim rule were low, the data received were not useful for revising the original estimate of reporting and recordkeeping hours. Due to the extensive revisions made to the coverage by the FAR Councils, the revised regulatory coverage is considered to be more in line with the original burden esimate. Therefore, the original burden estimate has not been changed.

Obtaining Copies of Proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GS Building, Washington, DC 20405.

Dated: November 8, 1985.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 85–27124 Filed 11–14–85; 8:45 am]

BILLING CODE 6820–61–M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, November 26, 1985 beginning at 1:30 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:00 a.m. at the same location.

Proposed Amendment to Comprehensive Plan and Water Code of the Delaware River Basin. Notice was given in the October 16, 1985 **Federal Register**, Vol. 50, No. 200, that the Commission would hold a public hearing on November 26, 1985 to receive comments on a proposed amendment to the Comprehensive Plan and Water Code in relation to metering of large ground water withdrawals. The proposed amendment calls for source metering and recording of both new and existing ground water withdrawals that exceed 100,000 gpd during any 30-day period.

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or section 3.8 of the Compact

1. *City of Millville (D–80–37 CP (RENEWAL).* An application for the renewal of a ground water withdrawal project to supply approximately 1.15 million gallons per day (mgd) of water to the applicant's distribution system from Well No. 16. Commission approval was limited to five years and will expire unless renewed. The total withdrawal from all wells remains limited to 200 million gallons (mg)/30 days. The project is located in the City of Millville, Cumberland County, New Jersey.

2. *Township of Medford D–80–49 CP (RENEWAL).* An application for the renewal of a ground water withdrawal project to supply approximately 1.54 mgd of water to the applicant's distribution system. Commission approval on December 16, 1980, was limited to five years and will expire unless renewed. The project is located in Medford Township, Burlington County, New Jersey.

3. *Warminster Municipal Authority D–80–51 (RENEWAL).* Renewal of an approved ground water withdrawal from Well No. 36 which supplies water to the applicant's distribution system in Warminster Township, Ivyland Borough and a portion of Warwick Township in Bucks County, Pennsylvania. Commission approval was limited to five years and will expire unless renewed. The proposed 30-day withdrawal limit remains at 5.4 mg from Well No. 36. The well is located in Warminster Township and is in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Hilltown Township Water and Sewer Authority (Pleasant Meadows Subdivision—Well No. 1) D–85–61 CP.* A ground water withdrawal project is planned to supply 360 proposed homes in Hilltown Township, Bucks County, Pennsylvania. Well No. 1 is located 1,700 feet west of the intersection of Orchard Road and Walnut Street. Application for an average withdrawal rate of 0.095 mgd has been filed with DRBC. The 318-foot deep well is located in the Southeastern Pennsylvania Ground Water Protected Area. Wastewater from the development will be discharged to the Hilltown Township Water and Sewer Authority system.

5. *Uwchlan Township Municipal Authority D–85–68 CP.* An application to renew a previous docket approval [D–80–42 CP] for ground water withdrawals from Well Nos. 5 and 6 and to increase their permitted withdrawal from 21.7 to 26.0 mg/30 days. No change is requested in the total permitted withdrawal from all wells of the applicant. Well Nos. 5 and 6 are located in the Whitford Village section of West Whiteland Township, Chester County, Pennsylvania.

6. *W.L. Wheatley Division—Joseph Campbell Company D–85–70.* An application for approval of a new ground water supply well to serve as a back-up to existing well water supplies and to provide for expansion of the existing food processing plant in Claymont, Kent County, Delaware. Existing Well Nos. 3 and 4 could not supply the water needs if main Well No. 5 had to be taken out of service. The plant uses approximately 2.5 mgd in the summer season; 1.75 mgd in the winter season. Due to anticipated plant expansion, the applicant has requested that the existing allocation be increased from 45 mg/30 days to 75 mg/30 days.

7. *Philadelphia Park (formerly Keystone Racetrack) D–85–72.* A ground water withdrawal project to supply up to 0.35 mgd of water to the irrigation system for Philadelphia Park. The total withdrawal from Well Nos. 1, 2, 3 and 4 will be 0.35 mgd. The project is located in Bensalem Township, Bucks County, Pennsylvania.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

November 8, 1985.

[FR Doc. 85–27281 Filed 11–14–85; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before December 16, 1985.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract.

OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: November 12, 1985.

Linda M. Combs,

Deputy Under Secretary for Management.

Office of Educational Research and Improvement

Type of Review Requested: New
Title: Field Study for the Survey of Postsecondary Students
Agency Form Number: G50–16P
Frequency: Non-recurring
Affected Public: Individuals or households; State or local governments; Businesses or other for-profit; Non-profit institutions
Reporting Burden; Responses: 8,000 Burden Hours: 8,000;
Recordkeeping Burden; Recordkeepers: 0; Burden Hours: 0

Abstract: This study will collect data from a sample of students in postsecondary institutions, their parents, an their school financial aid records. It will provide a national source of data on the distribution of financial aid. This study will also test the feasibility and instrumentation for a full scale survey of students in postsecondary institutions.

Office of Educational Research and Improvement

Type of Review Requested: Reinstatement
Title: High School and Beyond (HS&B) Third Follow-up and National Longitudinal Study of the Class of 1972 (NLS–72) Fifth Follow-up

Agency Form Number: ED 2441–1, 2441–2 and 2442–1
Frequency: Non-recurring
Affected Public: Individuals or households
Reporting Burden: Responses: 43,300; Burden Hours: 39,275
Recordkeeping Burden; Recordkeepers: 0; Burden Hours: 0
Abstract: In response to the need for policy-relevant time series data on nationally representative samples of high school sophomores and seniors, the National Center for Education Statistics instituted the National Longitudinal Studies (NLS) program. Two components of NLS are the NLS–72 and HS&B studies. These studies are designed to examine longitudinally the educational, vocational, and personal development of high school students.

OFFICE OF POSTSECONDARY EDUCATION

Type of Review Requested: Extension
Title: Request for Collection Assistance under Federal Insured Student Loan Program
Agency Form Number: ED 1249
Frequency: On occasion
Affected Public: Businesses or other for-profit
Reporting Burden, Responses: 24,000; Burden Hours: 7,920
Recordkeeping Burden; Recordkeepers: 12,000; Burden Hours: 1,800
Abstract: This form is used by lenders in the Federal Insured Student Loan Program to request skip-tracing assistance from the Department of delinquent student loans where the lender is unable to locate the borrower.

[FR Doc. 85–27188 Filed 11–14–85; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation between the Government of the United States of America and Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

These subsequent arrangements would give approval, which must be obtained under the above-mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to France or to the United Kingdom for the purpose of reprocessing.

The proposed transfers are as follows:

(1) 756 irradiated fuel assemblies containing 137,700 kilograms of uranium, enriched to 1.11 percent in U–235, and 1,126 kilograms of plutonium from the Fukushima Units 1, 2, 3, 4, 5, and 6 of the Tokyo Electric Power Co., Ltd., to the United Kingdom;

(2) 63 irradiated fuel assemblies containing 24,610 kilograms of uranium, enriched to 1.18 percent in U–235, and 240 kilograms of plutonium from Ikata Unit 1 of the Shikoku Electric Power Co., Inc., to the United Kingdom;

(3) 70 irradiated fuel assemblies containing 27,298 kilograms of uranium, enriched to 1.30 percent in U–235, and 244 kilograms of plutonium from Genkai Units 1 and 2 of the Kyushu Electric Power Co., Inc., to the United Kingdom.

(4) 168 irradiated fuel assemblies containing 32,000 kilograms of uranium, enriched to 1.38 percent in U–235, and 320 kilograms of plutonium from the Tsuruga Power Station of the Japan Atomic Power Co., to the United Kingdom;

(5) 535 irradiated fuel elements containing 6,077 kilograms of uranium, enriched to 0.51 percent in U–235, and 18 kilograms of plutonium from the Tokai Power Station of the Japan Atomic Power Co. to the United Kingdom;

(6) 221 irradiated fuel assemblies containing 40,598 kilograms of uranium, enriched to 1.47 percent in U–235, and 376 kilograms of plutonium from the Hamaoka Units 1 and 2 of the Chubu Electric Power Co., Inc. to France; and

(7) 408 irradiated fuel assemblies containing 181,700 kilograms of uranium, enriched to 1.17 percent in U–235, and 1,621 kilograms of plutonium from the Mihama Units 1, 2, and 3, Takahama Units 1 and 2, and Ohi Units 1 and 2 of the Kansai Electric Power Co., Inc. to France.

The foregoing proposed transfers are designated as RTD/EU–(JA)–76, 77, 78, 79, 80, 81, and 82 respectively.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing sites, nor put to any use, without the prior approval of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen (15) days after the date of publication of this notice, and after fifteen (15) days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.
Dated: November 8, 1985.
George J. Bradley, Jr.,
Acting Assistant Secretary for International Affairs and Energy Emergencies.
[FR Doc. 85–27200 Filed 11–14–85; 8:45 am]
BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: From Switzerland to the United Kingdom (British Nuclear Fuels, Ltd.) for the purpose of reprocessing, 28 irradiated fuel assemblies, containing approximately 8,680 kilograms of uranium, enriched to approximately 1.0% in U–235 and 82 kilograms of plutonium, from the Beznau nuclear power station. This subsequent arrangement is designated as RTD/EU(SD)–57. The Department of Energy has received letters of assurance from the

Government of Switzerland that the recovered uranium and plutonium will be stored in the United Kingdom, and will not be transferred from the United Kingdom, nor put to any use, without the prior consent of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), are submitted to the Committee of Foreign Affairs of the House of Representatives and the Committee of Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: November 8, 1985.

George J. Bradley, Jr.,

Acting Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 85-27199 Filed 11-14-85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 85-24-NG]

Natural Gas Imports; Natural Gas Pipeline Co. of America; Application To Amend Import Authorization

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to amend authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on October 15, 1985, of the application of Natural Gas Pipeline Company of America (Natural) to amend its authorization to import natural gas from Canada through the eastern leg of the prebuild portion of the Alaska Natural Gas Transportation System (ANGTS). The amendment requests approval of a contract amendment which establishes a two-part demand-commodity pricing structure to be passed through on an as-billed basis, through October 31, 1987. The amendment provides for a two-tier commodity price of $2.60 per MMBtu for quantities taken up to 75 percent of annual contract volumes and $2.50 for quantities taken above 75 percent. It provides that the commodity charge will be adjusted quarterly based on changes in the composite U.S. refiners' acquisition cost of crude oil. It establishes a demand charge of $.50 per Mcf or $15.21 per Mcf of monthly contract demand at 100 percent load factor. The amendment results in an estimated cost to Natural of $3.11 per MMBtu at the border.

The application is filed pursuant to section 3 of the Natural Gas Act (NGA), DOE Delegation Order No. 0204-110, and 10 CFR Parts 590.210 and 590.407 of the ERA's administrative procedures. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on December 16, 1985.

FOR FURTHER INFORMATION CONTACT:

Tom Dukes, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-098, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9590

Diane Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: Natural is currently authorized to import from ProGas Limited (ProGas), pursuant to DOE/ERA Opinion and Order No. 32 in ERA Docket No. 79-15-NG and an order issued concurrently in FERC Dockets CP79-332 and CP79-332-001 on April 24, 1981, up to 75,000 Mcf of natural gas per day for the period November 1, 1982, through October 31, 1987, at a price not to exceed $4.94 per MMBtu with a take-or-pay requirement of 75 percent of annual contract volumes. The ERA order gave Natural authority to import through any pipeline other than the pre-built portion of the ANGTS for delivery at points other than Monchy, Saskatchewan, Canada; the FERC order authorized the import through the prebuild at Monchy. The ERA's authorization was granted in anticipation that the prebuild may not have been able to provide transportation for the date specified. In DOE Delegation Orders No. 0204-110, 0204-111 and 0204-112 (49 FR 6684, February 22, 1984) the DOE Secretary delegated to the ERA responsibility for all gas imported under section 3 of the NGA, including gas transported through the ANGTS pre-build. Prior to the issuance of these delegation orders, the FERC had responsibility for section 3 imports which were transported through the ANGTS prebuild.

Natural is seeking approval of a February 8, 1985, amending agreement with ProGas that modified the pricing provisions of its authorization which expires on October 31, 1987. The amending agreement did not affect the term of the arrangement or the volumes to be imported.

The amended agreement establishes a two-part demand-commodity pricing structure that results in an estimated border price of $3.11 per MMBtu assuming purchases are being made at a level below 75 percent of annual contract quantities. The amendment provides for two-tier commodity prices of $2.60 per MMBtu for quantities taken up to 75 percent of annual contract levels and $2.50 per MMBtu for quantities taken above 75 percent. The contract establishes a demand charge of $.50 per Mcf or $15.21 per Mcf of contract demand on a monthly basis. Under the amended terms, commodity charges are adjusted quarterly based on changes in the composite U.S. refiners' acquisition cost of crude oil and demand charges are adjusted only as changes in fixed facility costs actually occur. Prices may be renegotiated annually by November 1st at the request of either party, or in the event that Natural makes a purchased gas adjustment (PGA) filing with the FERC whereby Natural's average gas purchase cost exclusive of surcharges varies by more than five percent from the purchased gas cost contained in the PGA filing in effect at the time of the agreement or at the time of any previous renegotiation.

The take provisions of the agreement provide for the purchase from ProGas of volumes on a pro rata basis of comparably priced gas taken from Natural's U.S. suppliers. To the extent that gas is purchased above aggregate minimum take levels, the amendment calls for equivalent takes of ProGas supplies compared to domestic supplies at prices comparable to Natural's current commodity charges. In any circumstance where Natural's overall need for gas declines, the purchase of ProGas volumes will be reduced in a manner comparable to the reduction in purchases of similarly priced domestic volumes.

The underlying amending agreement was previously approved by the NEB on February 8, 1985, based on a letter agreement between Natural and ProGas dated January 9, 1985. The agreement was conditioned upon ProGas and

Natural receiving all requisite regulatory approvals from government authorities in Canada and the U.S.

The FERC issued an order on May 21, 1985, in Docket No. TA85-1-26-003 that set for evidentiary hearing the question of Natural's as-billed flow through of the new two-part rate. Natural believes that the issues being litigated in its FERC proceeding directly parallel those issues which were outlined in DOE/ERA Opinion and Order No. 87 for Northwest Pipeline Corporation (1 ERA 70,604). Natural has therefore requested that the ERA issue an order finding the amending agreement not to be inconsistent with the public interest and in full conformance with the DOE policy guidelines. Natural believes that ERA approval of the amending agreement would preclude FERC from taking any action inconsistent with the ERA's approval.

Natural states that the competitiveness of its import arrangement with ProGas has been considerably enhanced by this amendment. According to Natural, the amendment is designed to make the ProGas volumes competitive within Natural's market as evidenced by the price renegotiation provision, the monthly price adjustment provision, the new two-part demand-commodity rate structure and the innovative approach to take provisions. Further, based upon the historical reliability of Canadian gas suppliers, as well as the particular reliability demonstrated by ProGas, Natural contends that this arrangement provides a secure, reliable source of gas.

The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement with ProGas is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., December 16, 1985.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues.

A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed.

Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notices to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Natural's application is available for inspection and copying in the Natural Gas Division Docket Room GA-076, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on November 6, 1985.

Robert L. Davies,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-27204 Filed 11-14-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-01 OFP Case No. 61056-9296-20-24]

Acceptance of Petition for Exemption and Availability of Certification by Basic American Foods

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification of basic American foods.

SUMMARY: On October 3, 1985, Basic American Foods (Basic), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for their proposed American I cogeneration facility project located in King City, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1985 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification, as well as other documents and supporting materials on this proceeding, is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585, from 9:00

a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the periods for public comment and hearing, unless ERA extends such period. Notice of any extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

DATES: Written comments are due on or before December 30, 1985. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Office of Fuels Programs, Room GA-045, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Docket No. ERA-C&E-86-01 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Division of Coal & Electricity, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-045, Washington, DC 20585, Telephone (202) 252-8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: This proposed cogeneration facility will be a gas turbine combined cycle plant designed to produce process steam for use in the existing Basic food processing plant and electricity for sale to the Pacific Gas and Electric Company. Approximately 87 MW of electricity will be generated by a single gas turbine-generator. Heat rejected with the gas turbine exhaust gas will be recovered in a heat recovery steam generator. The steam produced will be passed through a steam turbine-generator producing a variable amount of additional electricity. Process steam for use in the vegetable processing plant will be extracted from an intermediate stage in the steam turbine at a maximum rate of approximately 201,500 lb/hr. During the off-season and at certain other times, when no steam is required in the food processing plant, the steam turbine power output will be approximately 37.7 MW of electricity. Approximately 3 percent of the gross electrical power generated will be used to power auxiliary equipment within the cogeneration plant.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), Basic has certified to ERA that:

1. The oil or gas to be consumed by the congeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of saving is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of oil or natural gas and an alternate fuel for the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), Basic has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this expemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as possible. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that Basic is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on November 8, 1985.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-27201 Filed 11-14-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-85-035; OFP Case Number 65003-9294-01, 02-12]

Acceptance of Petition for Exemption and Availability of Certification by Occidental Chemical Corp.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Acceptance of Petition for Exemption and Availability of Certification by Occidental Chemical Corporation.

SUMMARY: On September 30, 1985, Occidental Chemical Corporation (Occidental) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. The procedure for petitioning and criteria for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503.

Occidental requested a permanent fuels mixture exemption in order to burn petroleum and natural gas in a mixture with a methane-rich by-product stream. The stream will be an unavoidable by-product of the cracking process used to produce ethylene and propylene from the feedstocks ethane and propane. The mixture will be utilized in two (2) new package boilers to be erected at Occidental's Lake Charles, Louisiana plant which is part of a petrochemical complex acquired from Cities Service Company and inactive since the beginning of 1982.

Under the authority of section 212(d) of the Act, 10 CFR 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR 503.38(d), a certification alternative is available for MFBI's which will not burn more than 2[illegible] percent petroleum or natural gas in a mixture with an alternate fuel. Occidental utilized the certification alternative in its permanent fuels mixture exemption petition. ERA's decision in this proceeding will determine whether Occidental will be granted the requested permanent exemption to use petroleum and natural gas in a mixture with a methane-rich by-product stream in the new MFBI. If the exemption is granted, the amount of petroleum and natural gas used must no

exceed 25 percent of the total annual Btu input of the primary energy sources of the unit.

ERA has determined that Occidental's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: Written comments on the acceptance of Occidental's petition for exemption are due on or before December 30, 1985. Any request for public hearing must also be made within the same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–045, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket Number ERA-C&E–85–035 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

George G. Blackmore, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA–045, Washington, DC 20585, Telephone: (202) 252–1774

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: (202) 252–6947.

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed are two (2) new package boilers, known as Boiler No. 1 and Boiler No. 2 at Occidental's Lake Charles, Louisiana plant. The new MFBI boilers each have a design heat input rate of approximately 229.0 million Btu's per hour and are designed to burn a methane-rich by-product stream in a mixture with petroleum and natural gas.

Occidental has utilized the certification alternative for the permanent fuels mixture exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture and its component elements, and the percentage and quantity of each component to be utilized; and the following duly executed certifications:

(1) That the amount of petroleum and natural gas to be used in the fuel mixture in the two (2) boilers will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

(2) That pursuant to 10 CFR 503.15(b), Occidental will, prior to operating the boilers under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b).

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 50 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

ERA hereby gives notice that Occidental's petition for a permanent fuels mixture exemption for its Boilers No. 1 and 2 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

Issued in Washington, DC on November 6, 1985.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–27202 Filed 11–14–85; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–C&E–86–12; OFP Case No. 67050–9298–20–22]

Acceptance of Petition for Exemption and Availability of Certification by Smith Cogeneration, Inc.

AGENCY: Economic Regulatory Administration, DOE

ACTION: Notice of Acceptance of Petition for Exemption and Availability of Certification by Smith Cogeneration, Inc.

SUMMARY: On October 23, 1985, Smith Cogeneration Inc. (SMI), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption for a cogeneration facility to be located in Oklahoma City, Oklahoma, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982).

The proposed facility for which the petition was filed will consist of a base loaded gas turbine/heat recovery steam generator, single automatic extraction condensing steam turbine installation and has a net plant design generating capacity at 103 megawatts of electricity. The facility is designed to supply 230 PSIG/saturated (399F) steam to a tire plant from a minimum of zero LB/HR to a maximum of 240,000 lb/hr, with a yearly average flowrate of 50,000 lb/hr. The total electricity produced, less plant auxiliary power requirements, will be sold to the Oklahoma Gas & Electric Co.

The proposed facility is a qualifying cogeneration facility within the terms of section 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA"), 16 U.S.C. 824a–3 and is a "powerplant" within the terms of the regulations promulgated under the Powerplant and Industrial Fuel Use Act of 1978 (10 CFR 500.2). However, SCI is petitioning for an examption based on 10 CFR 503.32 "Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum."

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday, through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before December 30, 1985. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case control Unit, Office of Fuels Programs, Room GA–045, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 Docket No. ERA–C&E–86–12 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–045, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 252–8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 252–6947.

SUPPLEMENTARY INFORMATION: Section 212(a)(1)(A)(ii) of the Act provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. To qualify the petitioner must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of the regulations;

(3) No alternate power supply exists, as required under § 503.8 of the regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of the regulations; and

(5) Alternative sites are not available, as required under § 503.11 of the regulations.

In accordance with the evidentiary requirements of § 503.32(b) (and in addition to the certifications discussed above), SCI has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq;* and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that SCI is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on November 8, 1985.

Robert L. Davies,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 85–27203 Filed 11–14–85; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–84–026; OFP Case No. 65038–9261–20–24]

Granting to OLS Energy-Chino Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order Granting to OLS Energy-Chino Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to OLS Energy-Chino (OLS or "the petitioner"). The permanent cogeneration exemption permits the use of natural gas as the primary energy source for a 26.4 MW (net, approximate) combined cycle cogeneration facility designed to produce electricity and process steam at the California Correctional Institute for Men (CIM), Chino, California. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: The order shall take effect on January 14, 1986.

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:
George G. Blackmore, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-045, Washington, DC 20585, Telephone (202) 252-1774
Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: On November 26, 1984 (the delay was caused by permit difficulties with the South Coast Air Quality Management District which have now been resolved), OLS petitioned ERA under section 212(c) of FUA and 10 CFR 503.37 for a permanent cogeneration exemption to permit the use of natural gas in a 26.4 MW (net, approximate) combined cycle cogeneration facility consisting of a gas turbine generator, a waste heat recovery steam generator, a steam extraction turbine generator and ancillary equipment. As all of the net annual generation of electric power from the unit will be sold to Southern California Edison Company, the unit is, by definition, an electric powerplant under 10 CFR 500.2. The facility will produce approximately 14,200 pounds of steam per hour which will supply CIM's heating and process steam needs. OLS will operate the facility.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including OLS's certification to ERA, in accordance with 10 CFR 503.37(a)(1), that:

1. The oil or natural gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of such cogeneration facility, in accordance with 10 CFR 503.37(a)(1)(i); and

2. The use of a mixture of natural gas and coal or oil and coal in the cogeneration facility will not be technically feasible, in accordance with 10 CFR 503.37(a)(1)(ii).

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on December 21, 1984 [49 FR 49706], commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on February 4, 1985; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that OLS has satisfied the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to OLS to permit the use of natural gas as the prmary energy source for its cogeneration facility at CIM in Chino, California.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, DC on November 6, 1985.

Robert L. Davies

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-27205 Filed 11-14-85; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER86-102-000, et al.]

Electric Rate and Corporate Regulation Filings; Arizona Public Service Co. et al.

November 6, 1985.

Take notice that the following filings have been made with the Commission:

1. Arizona Public Service Company

[Docket No. ER86-102-000]

Take notice that on October 31, 1985 Arizona Public Service Company (Arizona) tendered for filing as an initial rate schedule an Agreement for the sale of Power and Economy Energy Interchange between the California Department of Water Resources (DWR) and Arizona dated June 4, 1985.

APS requests that the Agreement become effective 60 days from the date of filing.

A copy of this filing has been served upon DWR and the Arizona Corporation Commission.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Bangor Hydro-Electric Company

[Docket No. ER86-82-000]

Tak notice that on October 30, 1985, Bangor Hydro-Electric Company (Bangor) tendered for filing a Notice of Termination of FERC Rate Schedule No. 42.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this document.

3. Commonwealth Electric Company

[Docket No. ER86-104-000]

Take notice that on October 31, 1985, Commonwealth Electric Company ("Commonwealth") filed, pursuant to § 35.12 of the Commission's Regulations, an agreement governing the sale by Commonwealth of System Exchange Power (as defined therein) to Central Vermont Public Service Corporation ("CVPS").

By the provisions of the Agreement, Commonwealth proposes to sell to CVPS certain quantities of electric power upon terms and conditions and in amounts mutually acceptable to both parties. Commonwealth has requested the Commission to waive its notice requirements pursuant to § 35.11 of its regulations for good cause shown and to permit the tendered agreement to become effective as proposed on September 3, 1985.

A copy of this filing has been served upon CVPS and upon the Massachusetts Department of Public Utilities.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

Connecticut Light & Power Company

[Docket No. ER86-67-000]

Take notice that on October 28, 1985 Connecticut Light and Power Company (CL&P) tendered for filing for itself and as successor by merger with the Hartford Electric Power Company (HELCO) and on behalf of Western Massachusetts Electric Company (WMECO) and Holyoke Water Power Company (HWPCO), Notice of Termination of the following rate schedules:

CL&P's Rate Schedule FPC No. 150
CL&P's Rate Schedule FPC No. 146
CL&P's Rate Schedule FERC No. 189

CL&P's Rate Schedule FERC No. 234
CL&P's Rate Schedule FERC No. 239
CL&P's Rate Schedule FERC No. 283
CL&P's Rate Schedule FERC No. 302
CL&P's Rate Schedule FERC No. 130
CL&P's Rate Schedule FERC No. 208
CL&P's Rate Schedule FERC No. 214
CL&P's Rate Schedule FERC No. 167
CL&P's Rate Schedule FERC No. 186
CL&P's Rate Schedule FERC No. 185
CL&P's Rate Schedule FPC No. 155
CL&P's Rate Schedule FERC No. 164
CL&P's Rate Schedule FERC No. 179
CL&P's Rate Schedule FPC No. 113
CL&P's Rate Schedule FERC No. 171
CL&P's Rate Schedule FERC No. 235
CL&P's Rate Schedule FERC No. 244
CL&P's Rate Schedule FERC No. 271
CL&P's Rate Schedule FERC No. 282
CL&P's Rate Schedule FERC No. 284
CL&P's Rate Schedule FERC No. 295
CL&P's Rate Schedule FERC No. 316
CL&P's Rate Schedule FERC No. 329

Comment date: November 14, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power Corporation

[Docket No. ER85-767-000]

Take notice that on October 24, 1985, Florida Power Corporation (Florida Power) tendered for filing an amendment to tariff revisions to Florida Power's FPC Electric Tariff, First Revised Volume No. 1 which were submitted by Florida Power on September 13, 1985. The tariff revisions, are submitted on September 13, 1985, reduce the power factor requirement for all and partial requirements service, reduce the notice requirements for termination or conversion of service, add a rate limitation supplement and a conjunctive billing supplement for all requirements service, and add a service agreement for partial requirements service. This amendment of the tariff revisions deletes a provision in the rate limitation supplement that no filing with the Commission is required for the supplement to cease to become effective after December 31, 1990.

Florida Power requests that the tariff revisions, and amended, be permitted to become effective November 1, 1985, and therefore, renews its request for a waiver of the sixty day notice requirement. Copies of this filing have been served upon Florida Power's municipal and rural electric cooperative customers and the Florida Public Service Commission.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Florida Power Light Company

[Docket No. ER86-78-000]

Take notice that on October 28, 1985 Florida Power and Light (FPL) Company tendered for filing notice of cancellation of Rate Schedule FEPC No. 85. FPL requests an effective date of 12:01 am October 17, 1985.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. San Diego Gas & Electric

[Docket No. ER86-99-000]

Take notice that on October 31,1985, San Diego Gas & Electric ("SDG&E") tendered for filing Service Schedule B of the Interchange Agreement between El Paso Electric Company (EPE) and San Diego Gas & Electric.

Service Schedule B—Energy exchange provides for the exchange of energy between SDG&E and EPE as a means of achieving economy in the transmission of energy.

SDG&E requests an effective date of January 1, 1986.

Copies of this filing were served upon the Public Utilities Commission of the State of California.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. San Diego Gas & Electric

[Docket No. ER86-100-000]

Take notice the on October 31, 1985, San Diego Gas Electric Company ("SDG&E tendered for filing a change of scheduling and dispatching charge for the San Diego-Edison Firm Transmission Service Agreement (Rate Schedule FERC No. 58).

Under the terms of the agreement, SDG&E will make available to Edison firm transmission service between points near the U.S.-Mexico border and San Onofre as specified in the agreement.

SDG&E has requested an effective date of January 1, 1986.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

9. Long Island Lighting Company

[Docket No. ER86-88-000]

Take notice that Long Island Lighting Company on Oct 31, 1985, tendered for filing a proposed supplement to its Contract No. 139 between LILCO and the Incorporated Village of Freeport for the interchange of emergency electric power between them.

The purpose of this supplement to the interchange agreement is for Freeport to provide LILCO with 23,000 kW of firm capacity for the time period May 1, 1985 to October 31, 1985; to set the price of any energy provided during the time period; and to enable Freeport continued access to LILCO's transmission system during that time period.

Copies of this filing were served upon the New York Power Authority, The Municipal Electric Utilities Association of New York, the Incorporated Village of Freeport and the New York State Public Service Commission.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

10. Long Island Lighting Company

[Docket No. ER 86-89-000]

Take notice that Long Island Lighting Company on October 31, 1985, tendered for filing a proposed changes in its FERC Rate Schedule 32, pursuant to which LILCO transmits power and energy from the New York Power Authority to three municipal electric utilities on Long Island: The Villages of Greenport, Rockville Centre and Freeport. The changes increase revenues from such service by $5,072 based on the 12-month period ending May 31, 1985.

The proposed increase in rates is to recover the increase in the cost of service.

Copies of this filing were served upon the New York Power Authority, The Municipal Electric Utilities Association of New York State, the Villages of Greenport, Freeport and Rockville Centre and the New York State Public Service Commission.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this document.

11. Long Island Lighting Company

[Docket No. ER86-90-000]

Take notice that Long Island Lighting Company on October 31, 1985, tendered for filing a proposed supplement to its Contract No. 96 between LILCO and the Incorporated Village of Rockville Centre for the interchange of emergency electric power between them.

The purpose of this supplement to the interchange agreement is for Rockville Centre to provide LILCO with 8,000 kW of firm capacity for the time period May 1, 1985 to October 31, 1985; to set the price of any energy provided during that time period; and to enable Rockville Centre continued access to LILCO's transmission system during that time period.

Copies of this filing were served upon the New York Power Authority, The Municipal Electric Utilities Association of New York State, the Incorporated Village of Rockville Centre and the New York State Public Service Commission.

Comment date: Novemberr 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

12. Long Island Lighting Company

[Docket No. ER86-91-000]

Take notice that Long Island Lighting Company on October 31, 1985, tenderd for filing a proposed changes in its FERC Rate Schedule 32, pursuant to which LILCO transmits power and energy from the New York Power Authority to Brookhaven National Laboratory in Upton, New York and Grumman Corporation in Bethpage, New York. The proposed changes would increase revenues from such service by $4,020 based on the 12-month period ending May 31, 1985.

The increase in rates are necessary for LILCO to recover the increase in the cost of service.

Copies of this filing were served upon the New York Power Authority, Brookhaven National Laboratory, the Grumman Corporation and the New York State Public Service Commission.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

13. Orange and Rockland Utilities, Inc.

[Docket No. ER86-92-000]

Take notice that Orange and Rockland Utilities, Inc., (Orange and Rockland) on October 31, 1985, tendered for filing as a rate schedule an executed agreement dated June 28, 1985, between Orange and Rockland and the New York Power Authority (NYPA) for the transmission by Orange and Rockland of NYPA hydropower and related energy purchased by the State of New Jersey and received from Central Hudson Gas and Electric Corporation (Central Hudson). Delivery of power and energy to New Jersey for the New York Power Authority will be to Public Service Electric and Gas Company (PSE&G), a designated agent of the New Jersey Board of Public Utilities.

The rate scheduled provides for a transmission charge of .7 mil per KWH of firm power received at Central Hudson's point of interconnection and delivered to PSE&G's point of interconnection.

Orange and Rockland requests waiver of the notice requirements of § 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective July 1, 1985 in accordance with the anticipated utilization of the parties.

Orange and Rockland states that a copy of its filing was served on NYPA.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

14. Potomac Electric Power Company

[Docket No. ER86-96-000]

On October 31, 1985, Potomac Electric Power Company (Pepco), 1900 Pennsylvania Avenue, NW., Washington, DC 20068, submitted for filing an amendment to its agreement for sale and purchase of electric power and energy for sales to its only wholesale customer, Southern Maryland Electric Cooperative, Inc. (Smeco) under Rate Schedule FERC No. 34; the amendment, which has been agreed to and concurred in by Smeco, includes rate reductions from otherwise effective rate levels for 1986 and 1987 of $5 million and $6.9 million, respectively. The term of the service agreement between Pepco and Smeco also is extended until December 31, 1995, with provision for annual yearly extensions thereafter.

The amendment has been preconditioned by approval of its terms and acceptance without suspension with a proposed effective date of January 1, 1986.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

15. Orange and Rockland Utilities, Inc.

[Docket No. ER86-96-000]

Take notice that Orange and Rockland Utilities, Inc. (Orange and Rockland) on October 31, 1985 tendered for filing as a rate schedule an executed agreement dated October 1, 1985, between orange and Rockland and New York State Electric and Gas Corporation for the sale of interruptible power and energy by and between Orange and Rockland and New York State Electric and Gas Corporation.

The rate schedule provides for an economy reservation charge not to exceed $15.00/MWH scheduled and an energy charge equal to the seller's marginal system cost.

Orange and Rockland requests waiver of the notice requirements of Section 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective October 1, 1985 in accordance with the anticipated utilization by the parties.

Orange and Rockland states that a copy of its filing was served on New York State Electric and Gas Corporation.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

16. The Washington Water Power Company

[Docket No. ER86-93-000]

Take notice that The Washington Water Power Company (Company) of Spokane, Washington, on October 31, 1985, tendered for filing proposed changes in its FERC Electric Service Tariff, Schedule 61. The proposed changes would increase revenues from jurisdictional sales and service by approximately $899,000 based on the 12-month period ending December 31, 1984. The Company proposes to implement the proposed increase in two steps. The first step is proposed to be effective January 1, 1986 with revised rates generating approximately $198,000 of additional revenue. The second step is proposed to be effective July 1, 1986 with revised rates generating approximately $501,000 of additional revenue.

The proposed rate changes are submitted for the purpose of compensating The Washington Water Power Company for increases in its cost of capital, labor, materials, supplies and taxes. The Company is also requesting recovery of the Company's after federal tax write-off of its investment in the Skagit/Hanford Nuclear Project. The Company is requesting a ten-year amortization of the write-off with no rate of return recovery on the unamortized balance.

Copies of the filing have been served upon the five Washington Water Power Company wholesale customers affected by this filing.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

17. The Connecticut Light and Power Company

[Docket No. ER86-81-000]

Take notice that on October 30, 1985, The Connecticut Light and Power Company ([CL&P] tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated August 26, 1985, between (1) CL&P and Western Massachusetts Electric Company (WMECO and together with CL&P, the NU Companies) and (2) Green Mountain Power Corporation (GMP).

CL&P states that the Transmission Agreement provides for transmission services to GMP for the wheeling of their purchase from the Connecticut Municipal Electric Energy Cooperative (CMEEC) of an entitlement in capacity and associated energy during the period from August 26, 1985 to August 31, 1986.

The transmission charge rate is a weekly rate equal to one-fifty-second of the annual average cost of transmission service on the electric transmission system of the NU Companies determined in accordance with Appendix A and Exhibits I, II and III thereto, of the Transmission Agreement. The weekly transmission charge is

determined by the product of (i) the transmission charge rate ($/kW-weekly), and (ii) the number of kilowats GMP is entitled to receive during such week. The weekly transmission charge is reduced by up to 50% to give due recognition for payments made by GMP to other systems also providing transmission service.

CL&P requests that the Commission waive its standard notice period and permit the Transmission Agreement to become effective on August 26, 1985.

WMECO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, WMECO, and GMP (South Burlington, Vermont).

CL&P further states that the filing is in accordance with section 35 of the Commission's Regulations.

Comment date: November 15, 1985, in accordance with Standard Paragraph E at the end of this document.

Standard paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 27136 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC86-4-000]

Portland General Electric Co.; Filing

November 8, 1985.

Take notice that Portland General Electric Company ("PGE"), pursuant to section 203 of the Federal Power Act, on November 7, 1985, tendered for filing an agreement for the sale of Transmission Assets representing a 10.714% in certain portions of the Pacific Northwest Intertie owned by PGE to an owner trust on behalf of one or more institutional investors in connection with a sale and leveraged lease financing of an undivided interest in certain PGE generation property.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 20, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27260 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL86-8-000]

Portland General Electric Co.; Filing

November 8, 1985.

Take notice that on November 7, 1985 Portland General Electric Company ("PGE") requested a declaratory order under section 207 of the Federal Power Act (the "Act") seeking approval of (i) a power sales agreement and a related transmission agreement between PGE and San Diego Gas & Electric Company ("SDG&E") under Section 205 of the Act, (ii) the terms of a lease of certain assets of PGE consisting of a 15% undivided interest in PGE's 530-Megawatt, coal fixed Unit No. 1 at the Boardman Plant and associated transmission facilities and a 10.714% undivided interest in the Pacific Northwest Intertie (the "Assets"), (iii) confirmation that none of the parties to the transaction described in the request for a declaratory order are public utilities within the meaning of Section 201 of the Act, and (iv) in the event that the lessee (the "Lessee") of the Assets is deemed to be a public utility for purposes of this Act, that the Federal Energy Regulatory Commission waive compliance by the Lessee with certain of the regulations issued under the Act.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 20, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27261 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-130-030]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

November 8, 1985.

Take notice that Transwestern Pipeline Company (Transwestern) on October 31, 1985 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Twenty-ninth Revised Sheet No. 5
Twenty-seventh Revised Sheet No. 6

According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until November 4, 1985.

The above-referenced tariff sheets are being filed pursuant to the Commission's order issued September 30, 1985 approving revised tariff sheets filed on April 29, 1985 in Docket No. TA85-2-42-000 reflecting a surcharge credit of 9.05¢ per Dth. The revised tariff sheets were approved effective June 1, 1985 subject to refund and subject to any further orders issued in Docket No. TA85-2-42-000. Transwestern in this filing requested that the Commission revise its August 23 and September 3 orders which rejected the above-referenced tariff sheets filed on July 25, 1985 to be effective July 1, 1985 reflecting the 9.05¢ surcharge credit consistent with its September 30, 1985 order.

Transwestern states that copies of this filing were served on its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests

should be filed on or before November 15, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27259 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-45-000]

Union Oil Co. of California and Union Exploration Partners, Ltd., Application for Blanket Limited-Term Certificate of Public Convenience and Necessity and Limited Partial Abandonment Authorization

November 6, 1985.

Take Notice that on October 31, 1985, Union Oil Company of California and Union Exploration Partners, Ltd. (hereinafter collectively referred to as "Union"), 1201 West 5th Street, Los Angeles, California 90017, filed an Application, pursuant to Sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's ("Commission") Regulations thereunder, for limited partial abandonment authorization and a blanket limited-term certificate of public convenience and necessity authorizing Union to conduct a short-term spot sales marketing program, hereinafter identified as the Union Spot Marketing Program (UNIMART), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Approval would (1) authorize the sale of natural gas by Union for resale in interstate commerce; (2) authorize the sale of natural gas of other joint working interest owners, which is produced from the same well and same reservoir as Union's gas, for resale in interstate commerce; (3) permit limited-term partial abandonment of certain natural gas sales; (4) confer pre-granted abandonment authorization for sales of natural gas made pursuant to the requested certificate; (5) authorize transportation of natural gas by interstate pipeline companies able and willing to participate in UNIMART; (6) confer pre-granted abandonment authorization for the transportation service allowed under the requested certificate; and (7) waive the reporting requirements of §§ 157.24, 157.25 and 157.30 of the Commission's Regulations. This authority is necessary for implementing a short-term experimental spot sales marketing program. Union will seek temporary release of gas from the purchasers to whom it is committed in order to meet market demand for spot sales. Releasing purchasers will be given relief from take-or-pay liability for any volumes of gas released and sold under UNIMART.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 20, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commissions's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27258 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-51-000]

Anadarko Production Co.; Application

November 6, 1985.

Take notice that on November 1, 1985, Anadarko Production Company ("Anadarko Production" or "Applicant"), P.O. Box 1330, Houston, Texas, 77251 filed an Application requesting that the Commission issue a blanket certificate authorizing Anadarko Production (1) to make sales for resale in interstate commerce, without supply or market limitations, of NGA gas with an applicable ceiling price higher than the NGPA section 109 ceiling price that is produced from various interests owned by Anadarko Production and various interests attributable to other owners having working interests in the same wells as Anadarko Production, to the extent that such co-working interest owners agree to same; (2) to temporarily abandon sales for resale of NGA gas with an applicable ceiling price higher than the NGPA section 109 price and previously certificated by the Commission for sale to an interstate pipeline, to the extent that such gas is released by the interstate pipeline for resale in the spot market to third parties; (3) to abandon (pre-granted abandonment) any sale for resale in the spot market authorized pursuant to any blanket certificate issued herein. Transportation of spot sales gas will be conducted by consenting transporters pursuant to the guidelines set forth under Order No. 436. It is stated that Anadarko Production agrees to comply with the conditions expressed in the Commission's Order dated October 29, 1985 in *Tenneco Oil Company et al.*, Docket Nos. CI85-633-000, *et al.*

Anadarko Production states that experience has shown that spot sales are a valuable instrument in coping with the ongoing gas deliverability surplus situation. It is additionally stated that the authorizations applied for in its Application are consistent with the Commission's goals as set forth in Order No. 436 in Docket No. RM85-1-000. Without such authorizations, Anadarko Production reports that it will be precluded from effectively, efficiently and fully participating in the spot market beyond November 1, 1985. As such, Applicant requests expedited review of its Application.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 20, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27251 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-53-000]

Cheney Energy Corp.; Application

November 6, 1985.

Take notice that on November 1, 1985, Cheney Energy Corp. ("Cheney") 6600 Powers Ferry Road, Suite 225, Atlanta, Georgia 30339, filed an application pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717c, 717f, and the provision of 18 CFR Parts 157 and 284, for a blanket certificate of public convenience and necessity authorizing Cheney to conduct a spot sales marketing program, hereinafter referred to as the Cheney Gas Network, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Approval would (1) permit abandonment of certain committed or dedicated natural gas sales; (2) authorize the sale of natural gas for resale with pregranted abandonment in interstate commerce. Cheney also requests the Commission to declare that, with respect to Cheney, the Commission will only assert Natural Gas Act jurisdiction over sales for resale hereunder not otherwise exempt from the NGA.

Under the Cheney Gas Network, Cheney proposes to sell on a spot basis natural gas subject to ceiling prices above the section 109 rate under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432. Both contractually committed and uncommitted gas will be sold. Cheney and participating producers will seek any necessary releases from existing purchasers in order to be able to make such gas available to meet market demand for spot sales. Arrangements for transporting the released gas will be made on a case-by-case basis under available transportation programs, including programs adopted by the Commission in its recent Order No. 436.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 20, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27252 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-41-000]

Energy Consultants, Inc.; Application To Amend Certificate of Public Convenience and Necessity and Request for Expedited Action

November 6, 1985.

Take notice that on October 30, 1985, Energy Consultants, Inc. (Encon) filed an application pursuant to sections 4 and 7 of the Natural Gas Act and Part 157 of the Commission's regulations (18 CFR Part 157), requesting that a certificate of public convenience and necessity be granted authorizing Encon's special marketing program, Energy Gas Marketing (EGM), and entailing: (1) The sale for resale in interstate commerce of certain natural gas; (2) blanket temporary abandonment and pregranted permanent abandonment of certain sales as described therein and transportation of natural gas by interstate pipelines participating in the program, all as more fully described in the application which is on file with the Commission and open for public inspection.

Applicant further requests that its application be acted upon on an expedited basis and states that such expedited action is necessary to prevent disruption of the spot market that the Commission's recently issued Order No. 436 is intended to foster.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 20, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27253 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ES86-6-000 et al.]

Electric Rate and Corporate Regulation Filings; Iowa Southern Utilities Co. et al.

Take notice that the following filings have been made with the Commission:

1. Iowa Southern Utilities Company

[Docket No. ES86-6-000]

November 7, 1985.

Take notice that on October 28, 1985, Iowa Southern Utilities Company (Applicant), filed an application pursuant to section 204 of the Federal Power Act seeking authorization for the issuance of not more than $15,000,000 aggregate principal amount of unsecured short term promissory notes and commercial paper notes to be issued from time to time prior to January 1, 1988.

Comment date: November 27, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Portland General Electric Company

[Docket No. ER85-739-000]

November 8, 1985.

Take notice that on October 3, 1985, Portland General Electric (PGE) Company tendered for filing a revised table of Nonfirm Sale for Resale Under PGE-1 for July of 1985. This filing is made to correct an error in the prior filing and to include sales during that month to the State of California Department of Water Resources.

Comment date: November 22, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Electric and Gas Company

[Docket Nos. ER85-710-000, ER85-713-000, ER85-715-000]

November 8, 1985.

Take notice that on October 16, 1985, Public Service Electric and Gas Company (Public Service) tendered for filing an amendment to initial rate schedules for transmission service to deliver New York Power Authority neighboring state hydroelectricity from the New York/New Jersey border to the Borough of Park Ridge (Docket No. ER85-710-000), the Borough of South River (Docket No. ER85-713-000) and the Borough of Milltown (Docket No. ER85-715-000). This amendment provides supplementary information and does not represent any change to the filed service agreement, or the rates, charges, terms and conditions of service therein.

Public Service requests a waiver of notice requirements with the customer's consent so that the Rate Schedule can be made effective as of July 1, 1985.

Public Service states that a copy of this filing has been served by mail upon customer.

Comment date: November 21, 1985, in accordance with Standard paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27289 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-43-000]

The Louisiana Land and Exploration Co. and Louisiana Land Offshore Exploration Co., Inc.; Application

Issued: November 8, 1985.

Take notice that on October 31, 1985, The Louisiana Land and Exploration Company and Louisiana Land Offshore Exploration Company, Inc., filed a Joint Application for Limited-Term Partial Abandonment Authorization and for Blanket Limited-Term Certificate Authorization for Sales and Transportation. The authority sought therein would grant limited-term abandonment of sales of gas released by purchasing pipelines and would approve a new sale of that and other committed or dedicated gas with pregranted abandonment, pursuant to section 7 of the Natural Gas Act. In addition, the proposed authorization would grant a limited-term certificate with pregranted abandonment to cover transportation of gas sold under authorizations therein and to cover transportation of gas which has been removed from Commission jurisdiction by reason of NGPA section 601(a).

These authorizations are being requested to enable LL&E and LLOXY to maximize their efforts to sell gas to existing and new markets. Eligibility for these authorizations is limited to gas priced in excess of the prevailing ceiling price under NGPA section 109.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and motions to intervene. Therefore, any person desiring to be heard or to make protest with reference to said application should on or before November 20, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless LL&E and LLOXY are otherwise advised, it will be unnecessary for LL&E and LLOXY to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27254 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C186-42-000]

PNG Energy Co.; Application To Amend Certificate of Public Convenience and Necessity and Request for Expedited Action

November 6, 1985.

Take notice that on October 30, 1985, PNG Energy Company (PNG) filed an application pursuant to sections 4 and 7 of the Natural Gas Act and Part 157 of the Commission's regulations (18 CFR Part 157), requesting that a certificate of public convenience and necessity be granted authorizing PNG's special marketing program, PING, and entailing: (1) The sale for resale in iterstate commerce of certain natural gas; (2) blanket temporary abandonment and pregranted permanent abandonment of certain sales as described therein and transportation of natural gas by interstate pipelines participating in the program, all as more fully described in the application which is on file with the Commission and open for public inspection.

Applicant further requests that its application be acted upon on an expedited basis and states that such expedited action is necessary to prevent disruption of the spot market that the Commission's recently issued Order No. 436 is intended to foster.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 20, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27255 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI86-54-000 and CI86-57-000]

Pennzoil Producing Co. and Pennzoil Gas Marketing Co.; Application

November 8, 1985.

Take notice that on November 1, 1985, Pennzoil Producing Company and Pennzoil Gas Marketing Company, P.O. Box 2967, Houston, Texas 77252-2967, filed pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717c and 717f, and the Commission's regulations thereunder, 18 CFR Parts 154 and 157; *id* §§ 2.76, 2.77(a), 2.77(b), 375.307 & 270.202, Applications of Pennzoil Producing Company for Partial, Limited-Term, Blanket Abandonment Authorization in Docket No. CI86-57-000 and in Docket No. CI86-54-000 for a Limited-Term, Blanket Certificate of Public Convenience and Necessity Authorizing Sales of Natural Gas in Interstate Commerce for Resale with Blanket, Pre-Granted Abandonment Authorization, and for a Limited-Term, Blanket Certificate of Public Convenience and Necessity Authorizing the Transportation of Natural Gas in Interstate Commerce with Blanket, Pre-Granted Abandonment Authorization, and an Application of Pennzoil Gas Marketing Company for Blanket Certificate of Public Convenience and Necessity Authorizing Sales of Natural Gas in Interstate Commerce for Resale with Blanket, Pre-Granted Abandonment Authorization, and for a Limited-Term Blanket Certificate of Public Convenience and Necessity Authorizing the Transportation of Natural Gas in Interstate Commerce with Blanket, Pre-Granted Abandonment Authorization, all as more fully set forth in the Applications on file with the Federal Energy Regulatory Commission and open to public inspection.

Approval would authorize Pennzoil Producing Company to make sales of natural gas temporarily released from contract by United Gas Pipe Line Company. All released gas will be subject to the provisions of the Natural Gas Act, 15 U.S.C. 717 *et seq.*, and will qualify under the maximum lawful wellhead pricing provisions of the Natural Gas Policy Act. *Id.* sections 3301 et *seq.* Pennzoil Producing Company has received a partial, limited-term release from United Gas Pipe Line Company and will relieve United Gas Pipe Line Company from take-or-pay obligations for volumes of gas released and sold. United Gas Pipe Line Company will retain a recall on the natural gas when it is needed for the market demands of United Gas Pipe Line Company.

Approval would also authorize Pennzoil Gas Marketing Company to make sales of natural gas in interstate commerce for resale and arrange transportation for deliveries of such sales. Pennzoil Gas Marketing Company proposes to be a reseller of natural gas governed by 18 CFR 270.202.

The partial limited-term blanket abandonment and limited-term blanket certificate for sales with pregranted abandonment requested by Pennzoil is for NGA gas including NGPA sections 104, 106(a) and 109 gas and is proposed to be for an unlimited term.

The circumstances presented in the applications appear to meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436, issued October 9, 1985, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

In accordance with the provisions of § 2.77 of the Commission's rules, we shall provide for a notice period not to exceed 15 days. Accordingly, any person desiring to be heard or to make any protests with reference to said applications should on or before November 21, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27256 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-33-000]

Sun Exploration and Production Co.; Application for Blanket Certificate of Public Convenience and Necessity and Approving Abandonment and Pre-Granted Abandonment

November 6, 1985.

Take notice that on October 29, 1985, Sun Exploration and Production Company (Sun) of P.O. Box 2880, Dallas, Texas 75221-2880, pursuant to sections 4 and 7 of the Natural Gas Act (NGA), 15 U.S.C. 717c and 717f and the provisions of 18 CFR Parts 154 and 157, hereby requests that the Federal Energy Regulatory Commission (Commission) issue a blanket certificate of public convenience and necesssity authorizing Sun and its joint interest owners to continue to make sales pursuant to Sun's existing special marketing program entitled SUNSPOT which expired on October 31, 1985. The new certificate would (1) authorize the sale of natural gas by Sun and its joint interest owners where applicable for resale in interstate commerce; (2) permit temporary abandonment of natural gas sales where necessary; (3) permit abandonment of such sales pursuant to pre-granted abandonment authority, and (4) authorize interstate pipelines, intrastate pipelines and local distribution companies (LDCs) to transport and deliver gas supplies sold by Sun and its joint interest owners where applicable, and abandon pursuant to pre-granted abandonment authority, these transportation services, all as more fully described in the application which is on file with the Commission and open for public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 20, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commissions's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27257 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP84-612-001 et al.]

Natural Gas Certificate Filings; Algonquin Gas Transmission Co. et al.

Take notice that the following filings have been made with the Commission

1. Algonquin Gas Transmission Company

[Docket No. CP84-612-001]

November 7, 1985.

Take notice that on October 15, 1985, Algonquin Gas Transmission Company (Petitioner), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP84-612-001 a petition to amend the Commission's order of December 19, 1984, in Docket No. CP84-612-000 pursuant to section 7(c) of the Natural Gas Act so as to authorize Petitioner to firm up a portion of its previously authorized long-term storage service and to render a firm long-term storage transportation service, both pursuant to its Rate Schedule SS-III, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the services would be pursuant to previously approved Rate Schedule SS-III which is proposed to be revised to allow these firm services to be rendered. It is explained that Rate Schedule SS-III services would be offered in conjunction with a firm up of a storage and redelivery arrangement with Texas Eastern Transmission Corporation (TETCO) which TETCO is making available pursuant to arrangements with Consolidated Gas Transmission Corporaiton (Consolidated). Petitioner states that TETCO has filed an application in Docket No. CP85-803-000 for authorization to render the service and that Consolidated has been granted authority by the Commission in Docket No. CP84-306-000 for its service to TETCO. Petitioner notes that the underlying Rate Schedule SS-III service was previously approved by the Commission and that the subject proposal is to firm up deliveries of authorized storage service and to add a related new storage transportation service.

Petitioner proposes to firm up SS-III service for four customers in the amounts shown below:

DEMAND HANDLING QUANTITY

	Million Btu per day
SS-III Firm Up Customer:	
Bristol and Warren Gas Co	185
Colonial Gas Co	972
The Pequot Gas Co	36
South County Gas Co	78
Total	1,273

The firm deliveries would commence November 1, 1986, and service would extend to March 31, 2006. The proposed storage transportation service in the amount of 974 million Btu of natural gas per day is for Central Hudson Gas and Electric Corporation, a storage service customer of TETCO.

It is explained that owing to the small quantities of storage gas to be firmed up, no new facilities are required to handle the volumes which would be delivered pursuant to the proposed storage service. Applicant requests that the Commission reaffirm the earlier approval of authority to flow through charges and service conditions for the underlying service from TETCO.

Comment date: November 27, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Florida Gas Transmission Company

[Docket No. CP86-38-000]

November 7, 1985.

Take notice that on October 15, 1985, Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP86-38-000 an application, as supplemented October 18, 1985, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas for Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

FGT states that on April 14, 1977, in Docket No. CP83-77-000, it was authorized to transport up to 250 million Btu equivalent of natural gas per day which FGT received for Texas Gas from Energy Reserves Group, Inc. (Energy Reserves), at an existing interconnection between FGT and Energy Reserves in Matagorda County, Texas. Such gas was transported and delivered to Texas Gas at an existing interconnection between FGT and Texas Gas in Acadia Parish, Louisiana, it is stated. FGT states that Texas Gas informed it that Energy Reserves has discontinued the sale of payback gas to Texas Gas at the North Markham Field in Matagorda County, Texas; and, therefore, Texas Gas no longer requires the transportation provided by FGT. No facilities would be abandoned, it is stated.

Comment date: November 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

3. Great Lakes Gas Transmission Company

[Docket No. CP86-25-000]

November 7, 1985.

Take notice that on October 10, 1985, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP86-25-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Great Lakes to transport natural gas for TransCanada PipeLines Limited (TransCanada) from Emerson, Manitoba, to a new delivery point of Belle River Mills, Michigan, allos more fully set for in the application on file with the Commission and open to public inspectors.

Great Lakes requests the Commission to authorize an additional delivery point for the gas transported. It is explained that the new delivery point would be located at an existing point of interconnection between the facilities of Great Lakes and Michigan Consolidated Gas Company (Mich Con) located at Belle River Mills, Michigan (Belle River Mills delivery point). It is asserted that there is no change in contract quantity under the proposed arrangement and that it is anticipated that up to 13,000 Mcf per day would be delivered to Mich Con under this arrangement.

Great Lakes states that Mich Con receives natural gas commingled with ethane in its system from Shell Western E&P Inc., which ethane is causing operating difficulties for Mich Con. It is stated that under the proposed arrangement, Mich Con would cause volumes of ethane to be exported in a quantity equivalent to the Btu content of the natural gas that would be delivered to it at the Belle River Mills delivery point. Great Lakes submits that the ethane would be utilized by Esso Chemical Canada, a Division of Imperial Oil, Limited, which would provide natural gas to Mich Con in exchange for the ethane, which gas would be transported and delivered to the Belle River Mills delivery point by Great Lakes, at the request of TransCanada,

under Great Lakes' existing Rate Schedule T–4 included in Great Lakes' FERC Gas Tariff, Original Volume No. 2. Mich Con has requested that this service be implemented immediately to reduce operating problems on its system.

Comment date: November 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. Lone Star Gas Company, a Division of ENSERCH Corporation

[Docket No. CP86–44–000]

November 7, 1985.

Take notice that on October 16, 1985, Lone Star Gas Company, a Division of ENSERCH Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201 filed in Docket No. CP86–44–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales taps and appurtenant facilities under the authorization of its blanket certificates of public convenience and necessity issued in Docket Nos. CP83–59–000, CP83–59–001, and CP83–59–002 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Lone Star proposes to sell approximately 100 Mcf of natural gas on an annual basis to each of the following residential customers:

Customer	Location	Line
Mickey R. Wesson	Bryan County, Oklahoma	E5–4
Doyle Payne	McCurtain County, Oklahoma	E32–2–1
Frank Wingfield	Bryan County, Oklahoma	E5

Lone Star proposes to sell approximately 51,840 Mcf of natural gas on an annual basis to the following commercial customer:

Customer	Location	Line
Universal Parts	Bryan County, Oklahoma	E32A

Lone Star states that sales to each of these customers will be made at the appropriate rate as provided by state authorities. The proposal is not expected to significantly impact Lone Star's peak day and annual system operations.

Comment date: December 23, 1985, in accordance with Standard Paragraph G at the end of this notice.

5. Northwest Central Pipeline Corporation

[Docket No. CP86–47–000]

November 7, 1985.

Take notice that on October 17, 1985, Northwest Central Pipeline Corporation (Northwest), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP86–47–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap to provide natural gas service for Electron Corporation's (Electron) foundry in Kay County, Oklahoma, under the certificate issued in Docket No. CP82–479–000 and CP82–479–001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to install measuring, regulating and appurtenant facilities on its 20-inch line in Kay County to permit the direct sale of up to 200 Mcf of natural gas per day for use as heating and combustion fuel in Electron's foundry. It is projected that the annual volumes to be delivered through this tap would be 19,822 Mcf the first year, 21,411 Mcf the second year and 23,000 Mcf the third year.

The cost of the proposed facilities is estimated to be $29,695, and it is stated that this cost would be financed from treasury cash. It is asserted that these deliveries would not have any detrimental effect on Northwest's existing customers.

Comment date: December 23, 1985, in accordance with Standard Paragraph G at the end of this notice.

6. Pacific Interstate Offshore Company

[Docket No. CP86–21–000]

November 7, 1985.

Take notice that on October 9, 1985, Pacific Interstate Offshore Company (PIOC), 720 West Eighth Street, Los Angeles, California 90017, filed in Docket No. CP86–21–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued service to Southern California Gas Company (SoCalGas0 in lieu of Pacific Lighting Gas Supply Company (PLGS), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that PIOC has been informed by its sole customer, PLGS, that PLGS would be merged into SoCalGas on or about January 1, 1986. It is further stated that PLGS would become a part of SoCalGas and that its gas requirements would be transferred to SoCalGas. It is indicated that PIOC, PLGS and SoCalGas are all subsidiaries of Pacific Lighting Corporation.

Comment Date: November 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

7. South Georgia Natural Gas Company

[Docket No. CP86–48–000]

November 7, 1985.

Take notice that on October 17, 1985, South Georgia Natural Gas Company (South Georgia), Post Office Box 1279, Thomasville, Georgia 31792–1279, filed in Docket No. CP86–48–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon certain facilities and to construct and operate certain replacement facilities in order to increase the contract delivery pressure at a delivery point to an existing customer to enable South Georgia to continue to provide reliable service to the customer, under the authorization issued in Docket No. CP82–548–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

South Georgia states that Atlanta Gas Light Company (Atlanta) provides natural gas service to the City of Valdosta, Georgia, and the surrounding area, by purchases it makes from South Georgia at the three Valdosta, Georgia, delivery points in the currently effective service agreement between South Georgia and Atlanta dated November 1, 1973. South Georgia proposes to abandon certain measurement facilities in South Georgia's Valdosta, Georgia, No. 3 meter station and construct replacement facilities to enable South Georgia to increase the existing contract delivery pressure at Atlanta's request and expense. South Georgia states that Atlanta has informed South Georgia that the increase in pressure would improve Atlanta's ability to maintain pressure on its distribution system, thereby enhancing the reliability of service to its customers in or near the Valdosta, Georgia, area.

South Georgia states that there would be no increase in the maximum delivery obligation quantity for the Valdosta, Georgia, No. 3 delivery point associated with the proposed replacement. South Georgia further states that the total volumes to be delivered to Atlanta after completion of the replacement activities would not exceed the total volumes authorized prior to the replacement activities and that the proposed replacement is not prohibited by an existing tariff of South Georgia. South Georgia also states that it has sufficient capacity to accomplish the deliveries proposed by the replacement without detriment or disadvantage to South Georgia's other customers.

Comment date: December 23, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. Southern Natural Gas Company

[Docket No. CP86-57-000]

November 7, 1985.

Take notice that on October 21, 1985, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP86-57-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas for Southeast Alabama Gas District (Southeast Alabama) and Alabama Gas Corporation (Alabama Gas), collectively referred to as shippers, acting as agents for Harbison-Walker Refractories, Division of Dresser Industries, Inc. (Harbison-Walker), under its certificate issued in Docket No. CP82-406-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern indicates that this filing was made so that the services described therein might be performed under the "grandfather provisions" of § 284.223(g)(2) of the Commission's Regulations (18 CFR 284.223(a)(2)) promulgated by the Commission's Order No. 436 in Docket No. RM85-1-000. It is indicated that Southern made this filing in order to prevent or minimize any interruption of the transportation services hereinafter described that were initiated under § 157.209(e) (18 CFR 157.209(e)) of the Commission's Regulations in the event Southern elects to participate in the self-implementing transportation program authorized under the Commission's Order No. 436 or to continue the transportation services pursuant to the "grandfather provisions" of said order. Southern also states that it made this filing on the understanding that it would not prejudice in any manner Southern's right to elect to participate, or not participate, in said self-implementing transportation program or to continue to provide transportation services after November 1, 1985, under the "grandfather provisions" of Order No. 436.

Southern states that Harbison-Walker has entered into a gas sales contract with TXO Production Corporation (TXO), dated August 2, 1985, to acquire natural gas. Southern also states that in order to effectuate delivery of the gas purchased, Harbison-Walker entered into agreements with shippers dated August 12, 1985, and August 2, 1985, wherein shippers agreed to transport through their facilities the gas purchased by Harbison-Walker to its plants in Alabama and to act as agent for Harbison-Walker in arranging transportation by Southern. It is indicated that Southeast Alabama and Alabama Gas have, therefore, acting as agents for Harbison-Walker, entered into service agreements-industrial service transportation with Southern dated August 8, 1985, and August 9, 1985, respectively. Southern states that the agreements provide that shippers would cause TXO to deliver up to 5,329 million Btu of gas per day to Southern for Harbison-Walker's account at various points of delivery in Louisiana. It is stated that Southern would deliver the gas to Southeast Alabama and Alabama Gas for Harbison-Walker's account less 3.25 percent for compressor fuel and line loss on an interruptible basis at existing redelivery points in Lee and Jefferson Counties, Alabama, respectively. Southeast Alabama and Alabama Gas would then transport and redeliver the volumes to Harbison-Walker at its plants in Eufaula, Alabama, and Fairfield and Bessemer, Alabama, respectively. It is stated that Harbison-Walker would use the gas for industrial, non-boiler fuel uses, and space heating.

Southern indicates it would charge shippers according to its current effective Rate Schedule T-IS which was approved by order of the Commission dated July 9, 1985, in Docket No. CP84-342-000. It is explained that the rate schedule provides for rates of 41.15 cents per million Btu if Southern's volumes transported to shippers under Rate Schedule T-IS, when added to volumes delivered under Rate Schedule OCD, do not exceed shippers' daily contract demand and 66.15 cents per million Btu if those volumes do not exceed shippers' daily contract demand. Southern indicates it would also charge the Gas Research Institute surcharge of 1.25 cents per Mcf. Southern seeks authorization to transport natural gas for shippers as agent for Harbison-Walker and for a period ending the earlier of (i) July 31, 1986; (ii) termination of authorization as provided by Subpart G of Part 284 of the Commission's Regulations as promulgated by Order No. 436 in Docket No. RM85-1-000; or (iii) termination of the agreement by either party. Southern states that it would not construct any facilities to provide for this service.

Southern also requests flexible authority to add or delete sources of supply and/or delivery or redelivery points in order to provide service on behalf of the shippers as agent for Harbison-Walker. The additional transportation service would be to the same end-user location and within the peak day, average day and annual transportation volumes as stated in the application, and any additional redelivery points would be existing points of interconnection between Southern and the shippers. Southern would file a report providing certain information with regard to the addition or deletion of any gas suppliers and/or delivery or redelivery points.

Southern estimates Harbison-Walker's peak day, average day and annual transportation volumes at 5,329 million Btu, 2,870 million Btu and 1,073,580 million Btu, respectively.

Comment date: December 23, 1985, in accordance with Standard Pargaraph G at the end of this notice.

9. Tennessee Gas Pipeline Company, Division of Tenneco Inc.

[Docket No. CP86-59-000]

November 7, 1985.

Take notice that on October 21, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP86-59-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to establish a new delivery point for its customer, Elizabeth Natural Gas Company (Elizabeth), and for the reassignment of gas volumes between delivery points, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to an agreement between Applicant and Elizabeth, dated October 1, 1985, Elizabeth requests and Applicant agrees to establish under Applicant's Rate Schedule GS-1 a new delivery point to be constructed by Applicant at Mile Post 825-1+1.91 on its pipeline system one mile east of the Department of Justice's Alien Detention Center located near Oakdale, Allen Parish, Louisiana. Applicant states that the cost to construct the facilities necessary to perform the new delivery service to Elizabeth is estimated at $39,600. It is further stated that the cost of the facilities would be reimbursed to Applicant by Elizabeth.

Applicant states that the new delivery point and reassignment of volumes would not increase or decrease the sum total of the daily and/or annual volumes Elizabeth is entitled to purchase from Applicant under the gas sales contract for GS-1 service. Applicant avers that the reassignment would have no impact

on Applicant's peak day and/or annual deliveries to Elizabeth.

Comment date: November 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

10. Texas Gas Transmission Corporation

[Docket No. CP86-67-000]

November 8, 1985.

Take notice that on October 24, 1985, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42302, filed in Docket No. CP86-67-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) for a blanket certificate of public convenience and necessity and abandonment authorization authorizing (1) sales for resale in interstate commerce by Texas Gas's producer-suppliers (and their agents) of supplies of natural gas released by Texas Gas to such producer-suppliers pursuant to the authority applied for herein; (2) partial abandonment and pre-granted abandonment of certain sales described herein; (3) transportation, where and if necessary, under section 7(c) of the NGA for Texas Gas and other interstate pipelines; (4) pre-granted abandonment of such transportation service; and (5) transportation by intrastate pipelines, local distribution companies, and Hinshaw pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas requests the authority to release to its producer-suppliers gas which is (i) committed or dedicated to interstate commerce within the meaning of the Natural Gas Policy Act of 1978 (NGPA), (ii) subject to a maximum lawful price equal to or exceeding the NGPA Section 109 maximum lawful price, and (iii) in excess of Texas Gas's system supply requirements.

Texas Gas states that it is cognizant of the fact that previous applications for authority similar to that requested herein have restricted the available supply of gas to that which is subject to a maximum lawful price in excess of the section 109 price. It is stated that the authority requested herein, however would be needed and justified for two primary reasons.

First, Texas Gas indicates that if the pool of gas supplies eligible to be sold pursuant to this certificate would be limited so as to exclude gas which is subject to a maximum lawful price equal to the NGPA Section 109 price, a substantial percentage of the gas supplies presently shut-in on the Texas Gas system would not be available for sale on the spot market.

Second, Texas Gas states that the maximum lawful price under section 109 of the NGPA presently exceeds the current market price for gas sold in the spot market and that gas prices on the spot market have steadily decreased during the last year. It is indicated that the Natural Gas Clearinghouse reported average spot prices from March 1985 of $2.79 per million Btu, declining to $2.68 in April, $2.58 in June, and $2.25 in September. Similarly, Tenngasco Exchange Corporation's posted prices at Vinton, Louisiana, and Tivoli, Texas, had fallen from $2.74 and $2.68 per million Btu, respectively, in March 1985, to $2.17 per million Btu at both delivery points in September 1985, it is stated. Moreover, effective October 1, 1985, Texas Gas states, it reduced the price it would pay producers for gas under contracts containing market-out provisions to $2.25 per million Btu. It is stated that the maximum lawful price under section 109 of the NGPA, however, continues to rise, equaling approximately $2.51 per million Btu for the months of September and October 1985. In view of the relationship between market-clearing prices and the maximum lawful price provided for under Section 109 of the NGPA, therefore, the exclusion of such supplies from the scope of the certificate would not be justified, it is stated. Moreover, Texas Gas indicates that in Order No. 436 the Commission indicated a willingness to consider favorably applications seeking partial abandonment authorization and sales applications of the kind made the subject of this certificate with respect to both high-cost and low-cost gas supplies.

Texas Gas states that all gas released and sold pursuant to this certificate would be deemed taken and paid for by Texas Gas under the applicable gas purchase contract. It is further stated that all of Texas Gas's producer-suppliers, and their agents, would be eligible sellers under the certificate granted hereunder. Texas Gas also requests that the Commission authorize any such sale to be abandoned at any time. It is indicated that the volumes of gas released by Texas Gas and sold by its producer-suppliers or their agents would be sold to anyone willing and able to purchase such supplies.

To the extent necessary, Texas Gas requests that the Commission authorize Texas Gas and all other interstate pipelines participating in the program described herein to transport the gas supplies released and sold under this certificate on a self-implementing basis subject to the authorization granted herein. Texas Gas states that it anticipates that all authority necessary for intrastate pipelines, Hinshaw pipelines, and local distribution companies to transport the gas supplies released and sold under the blanket certificate applied for herein would be available under the revised Part 284 of the Commission's Regulations. To the extent that such authority is not available, however, Texas Gas requests that such intrastate pipelines, Hinshaw pipelines, and local distribution companies, transporting gas incidential to that transported by Texas Gas hereunder, be authorized to render such transportation service on a self-implementing basis, subject to the terms and provisions of section 311 of the NGPA and the authorization granted hereunder.

In addition, and to the extent necessary, Texas Gas respectfully requests the Commission to authorize any transporter of gas pursuant to the certificate issued here under to abandon the transportation service provided hereunder.

Texas Gas states that it would file with the Commission, within 60 days after the end of each month, a report containing the following information together with such information, as the Commission would require in its final order:

1. Texas Gas's producer-suppliers selling gas released under this certificate;
2. The NGPA maximum lawful price applicable to the volumes so sold;
3. The source of the volumes released and sold under this certificate;
4. The purchaser of such volumes and the quantities purchased by each such purchaser;
5. The purchased price of the gas supplies released and sold (if available);
6. The receipt and delivery point for all gas transported hereunder by Texas Gas; and
7. The receipt and delivery points for all other interstate pipelines, as well as all intrastate pipelines, local distribution companies and Hinshaw pipelines transporting gas released and sold under this certificate.

It is further stated that all parties participating in each sales and transportation transaction would be required to submit relevant informtion to Texas Gas within 30 days after the end of each month.

In summary, in order to implement the

programs described in this application, Texas Gas requests that the Commission issue the following authorizations:

(1) A blanket certificate of public convenience and necessity authorizing Texas Gas's producer-suppliers to make sales for resale in interstate commerce of NGA gas released by Texas Gas for which the maximum lawful price would be equal to or greater than the Section 109 price;

(2) An order authorizing temporary abandonment of sales for resale of NGA gas for which the maximum lawful price would be equal to or greater than the Section 109 price to the extent that such gas would be released by Texas Gas to its producer-suppliers for resale under this certificate;

(3) To the extent necessary, a blanket certificate of public convenience and necessity authorizing Texas Gas as well as other interstate pipelines to transport the gas supplies released and sold pursuant to this certificate in the interstate commerce on a self-implementing basis, in accordance with the terms and provisions of this application;

(4) To the extent necessary, authorization for any intrastate pipeline, Hinshaw pipeline or local distribution company to transport, on a self implementing basis, the base released and sold pursuant to this certificate in accordance with the terms and provisions of section 311 of the NGPA and this application;

(5) A waiver of the requirements of §§ 157.24, 157.25 and 157.30 of the Commission's Regulations under the NGA on behalf of Texas Gas's producer-suppliers;

(6) A blanket certificate of public convenience and necessity authorizing Texas Gas to construct and operate any minor incidental facilities necessay to effect the transportation and delivery of the gas purchased and sold under the certificate issued hereunder and report same pursuant to the reporting requirements imposed on Texas Gas in connection with its blanket certificate obtained in Docket No. CP82-407; and

(7) A waiver of any and all other Commission regulations necessary to effect the purposes of the program described in this application.

Comment date: November 29, 1985, in accordance with Standard Paragarph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commisson, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27290 Filed 11-14-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FR-2924-2]

Final Determination of the Assistant Administrator for External Affairs Concerning the Bayou Aux Carpes Site Pursuant to Section 404(c) of the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Decision to Restrict the Use of the Bayou aux Carpes Site for the Discharge of Dredged or Fill Material in Jefferson Parish, Louisiana.

SUMMARY: This is notice of the Environmental Protection Agency's (EPA) final determination pursuant to Section 404(c) of the Clean Water Act to restrict the use of a 3000 acre wetland site (i.e., the Bayou aux Carpes site) in Jefferson Parish, Louisiana as a disposal site based upon findings that the discharges of dredged or fill material into that site would have unacceptable adverse effects on shellfish beds, fishery areas (including spawning and breeding areas), wildlife, and recreational areas.

EFFECTIVE DATE: The effective date of the Final Determination is October 16, 1985.

FOR FURTHER INFORMATION CONTACT: Charles K. Stark, Jr., Aquatic Resources Division, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-8796.

Copies of EPA's final determination are available for inspection in the Public Information Reference Unit, EPA library, Room M 2904, 401 M Street, SW., Washington, DC 20460 and at the Federal Activities Branch, EPA Region VI, 1201 Elm Street, Dallas, Texas 75270.

SUPPLEMENTARY INFORMATION: Under section 404(c) of the Clean Water Act, the Administrator of EPA has the authority to prohibit or restrict the use of a site as a disposal site for dredged or fill material, after notice and opportunity for public hearing, whenever he determines that such disposal will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Responsibility for 404(c) determinations has been formally delegated to the Office of the Assistant Administrator for External Affairs.

In accordance with the section 404(c) regulations (40 CFR Part 231), EPA's Regional Administrator for Region VI, Mr. Dick Whittington, initiated section

404(c) proceedings with respect to a 3000 acre wetland site (i.e., the Bayou aux Carpes site) in Jefferson Parish, Louisiana. This site is tidally connected to Barataria Bay via Bayou Barataria and is part of the Barataria Basin. His action was in response to a judicial action in the U.S. District Court for the Eastern District of Louisiana (on remand from the U.S. Court of Appeals for the 5th Circuit). In this judicial action, Judge Lansing Mitchell, in September, 1984, directed that a Corps of Engineers' flood control project (the Harvey Canal-Bayou Barataria Levee Project) be completed, as originally designed, but stayed his order to allow EPA an opportunity to exercise its section 404(c) authority. The project is designed to provide flood control and land reclamation benefits. In addition, completion of the flood control project may lead to additional proposals involving the discharge or fill material into the Bayou aux Carpes site by private property owners. Both completion of the original Corp's flood control project and subsequent filing activities will result in the loss of the Bayou aux Carpes wetland site. The background of this action is summarized in the Region's notice of proposed determination and public hearing (published at 50 FR 20602, May 17, 1985).

On September 4, 1985, Mr. Whittington forwarded his recommended determination and the administrative record EPA headquarters for review and final determination on the Bayou aux Carpes site. Mr. Whittington's recommendation to restrict the use of the Bayou aux Carpes site for the discharge of dredged or fill material was based upon anticipated unacceptable adverse effects on shellfish beds and fishery areas (including spawning and breeding areas), wildlife, and recreational areas.

EPA has considered the record in this case, including public comments, the public hearing record, site specific evaluations, coordination with affected property owners, and information provided by other agencies and knowledgeable individuals. Based upon this review EPA has determined that the discharges of dredged or fill material regulated under section 404 of the Clean Water Act within the Bayou aux Carpes site, including those involved in completing the Corps' original flood control project, would eliminate the existing wetlands thereby resulting in unacceptable adverse effects to shellfish beds and fishery areas (including spawning and breeding areas), wildlife, and recreational areas. Specifically, the loss of the Bayou aux Carpes site would eliminate wildlife habitat utilized by the American alligator, which is threatened in the State of Louisiana, the osprey and the wood duck which are National Species of Special Emphasis, as well as a number or other species of mammals, amphibians and reptiles. The loss of the site would also eliminate fisheries habitat utilized by estuarine species of commercial importance such as the blue crab and fresh water species of recreational value such as blue catfish. The loss of currently available fish and wildlife habitat at the site would eliminate the site's recreational value which includes fishing and hunting (with property owner's permission). In addition, the loss of the Bayou aux Carpes site would eliminate the production and export of detritus (organic material in various stages of decay) which is utilized as a food source by fish and shellfish in Bayou Barataria and Barataria Bay thus adversely affecting these downstream fisheries resources. The site's filtering of pollutants and excess nutrients from incoming tides would be lost; this would contribute to the adverse effects on fish and shellfish because adjacent waters of Bayou Barataria and Barataria Bay must assimilate these materials. Completion of the Corps' flood control project would also adversely affect fish, wildlife and recreational values of the Barataria Unit of the Jean Lafitte National Historical Park which contains wetlands that are hydrologically connected to the Bayou aux Carpes site.

EPA's decision restricts the Bayou aux Carpes site for any discharges of dredged or fill material, including those associated with the original Harvey Canal-Bayou Barataria Levee Project with three exceptions. The first exception is discharges associated with the completion of the modified Harvey Canal-Bayou Barataria Project; the second exception is discharges associated with routine operation and maintenance of the Southern Natural Gas Pipeline; the third exception is discharges associated with habitat enhancement. EPA has determined that these three types of activities, when performed in accordance with restrictions applied by EPA as well as any permit conditions imposed by the Corps of Engineers through the permit process, are unlikely to result in significant adverse effects to the aquatic environment.

Dated: November 7, 1985.

Jennifer Joy Manson,

Assistant Administrator for External Affairs.

[FR Doc. 85-27197 Filed 11-14-85; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2923-7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared October 28, 1985 through November 1, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated October 19, 1984 (49 FR 41108).

Draft EIS's

ERP No. D-AFS-F65014-MI, Rating EC2, Hiawatha Nat'l Forest, Land and Resource Mgmt. Plan, MI. Summary: EPA commented that the DEIS provides little information on present water quality conditions or on potential impacts to water quality in the Forest that could occur with the implementation of the proposed Plan. Additionally, sections of the DEIS relating to air quality and noise were identified as also requiring additional information. EPA identified the types of information and analysis that should be added to the DEIS to make the information presented available and understandable by the members of the public.

ERP No. D-AFS-J65142-UT, Rating EC2, Fishlake Nat'l Forest, Land and Resource Mgmt. Plan, UT. Summary: EPA believes that the proposed alternative (Alternative 11), with corrective measures, provides an environmentally acceptable management plan. EPA has identified numerous concerns regarding management of water quality standards, watersheds, riparian/wetland areas, and aquatic life. To meet these concerns, EPA has requested additional impact analysis and further development/revision of requirements for individual and cumulative impacts assessment, best management practices monitoring, Plan implementation coordination, and for correcting existing resource problems. State and EPA antidegradation requirements for water quality need to be addressed.

ERP No. D-COE-H36091-IA, Rating EC2, Muscatine Island Levee District and Muscatine Louisa County Drainage District No. 13, Local Flood Protection Plan, Mississippi R., IA. Summary: EPA

expressed concerns that the recommended alternative would have adverse impacts to both federal and state listed threatened and endangered species, and would involve filling of wetland areas without adequate provisions for mitigation of adverse impacts. EPA asked that the Corps of Engineers provide in the FEIS a comparative evaluation of environmental impacts associated with a previously identified structural alternative.

ERP No. DS-COE-K32022-CA, Rating EC2, Sacramento R. Deep Water Ship Channel, Widening/Deepening, Environ. Impact Description Update, CA. Summary: EPA recommended that the FSEIS contain a commitment to meet the salinity standard and address the monitoring of the dredge spoil leachate for constituents other than heavy metals. EPA also recommended that the FSEIS discuss mitigation with respect to these issues.

ERP No. D-FHW-C40119-NJ, Rating EC2, US 206 (Sect. 5) Improvement, Construction, CR-518 to Routes US 202, NJ-28, and US 206 Intersection/ Somerset Circle, NJ. Summary: EPA requested that the Final EIS contain additional information on alternatives (alignment and design), channelization methods, and wetlands mitigation for the loss of three acres.

ERP No. D-FHW-K40150-CA, Rating LO, D Street Extension, Myrtle St. to Second St./Soto Rd. to Second St., CA. Summary: EPA had no comments on the DEIS except to clarify one comment on air quality emission levels.

ERP No. D-SCS-G34042-OK, Rating LO, N. Deer Creek Watershed Multipurpose Plan, OK. Summary: EPA expressed no objection to the proposed action as described. EPA requested further coordination with the Corps of Engineers to clarify applicability of 404 jurisdiction.

Final EIS's

ERP No. F-AFS-E65027-GA, Chattahoochee—Oconee Nat'l Forest, Land and Resource Mgmt. Plan, GA. Summary: EPA has no major objections with the implementation of the preferred alternative G as modified by the measures outlined in the FEIS.

ERP No. F-AFS-G65038-LA, Kisatchie Nat'l Forest, Land and Resource Mgmt. Plan, LA. Summary: EPA has no objection to the proposed action as described.

ERP No. F-BLM-G70000-NM, White Sands Resource Area, Resource Mgmt. Plan, NM. Summary: EPA has no objection to the proposed action as described.

ERP No. F-BLM-L70000-00, Jarbidge Resource Area, Resource Mgmt. Plan and Wilderness Designation, NV and ID. Summary: EPA made no formal comments. EPA reviewed the FEIS and found the project to be satisfactory.

ERP No. F-FHW-E40520-NC, Benjamin Parkway Extension, Benjamin Parkway to Airport Parkway, Construction, 404 Permit, NC. Summary: EPA has requested the Federal Highway Administration for a commitment in the Record of Decision for mitigation that will protect Greensboro's raw drinking water supply as well as committing to other mitigation measures of wetlands, floodplain and noise impacts.

ERP No. F-FHW-K40143-CA, CA-82 Widening and Realignment, CA-880 (formerly CA-17) to Scott Blvd., CA. Summary: EPA has no comments on the FEIS.

ERP No. FS-FRC-L05018-AK, Bradley Lake Hydroelectric Project, Construction and Operation, License, (COE), AK. Summary: EPA's primary concerns regarding the FSEIS centered on project access through Kachemak Bay and mitigation of tidal wetland impacts. Subsequent to the FSEIS being published, geotechnical investigations showed that the access and mitigation proposals analyzed are not feasible. EPA has worked with the Alaska Power Authority to develop acceptable access and mitigation plans which would reduce the overall project impacts from those discussed in the FSEIS. These Plans are subject to final agency approval, at which time all parties are requesting the Federal Energy Regulatory Commission (FERC) to incorporate them as conditions to the FERC License.

ERP No. F-IBR-J31016-SD, Lake Andes-Wagner Unit, Water Resource Project, Pick-Sloan Missouri Basin Program, Lake Francis Case, Missouri R., Sect. 10 and 404 Permits, SD. Summary: EPA's review indicated that the proposed wetland losses and mitigation plan were not in compliance with Section 404(b)1 guidelines (40 CFR Part 230) nor in keeping with Executive Order 11990 for the protection of wetlands. EPA requested that the mitigation plan be modified to adequately address the proposed wetland losses.

ERP No. F-SCS-G36126-LA, W. Franklin Watershed Multipurpose Plan, Ouachita R. Basin, 404 Permit, LA. Summary: EPA has no objection to the proposed action as described.

ERP No. F-SCS-H36094-MO, Big Creek-Hurricane Creek Watershed Protection and Flood Prevention Plan, MO. Summary: EPA believes the FEIS was responsive to comments provided on the draft documents, and expressed a lack of objections to the proposed action. EPA did comment that while the project would result in protection of existing wetland areas and ultimately the creation of new wetlands, no specific provisions were made to ensure in-kind mitigation for wetlands destroyed.

Dated: November 12, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85-27299 Filed 11-14-85; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2923-6]

Environmental Impact Statements; Availability

Responsible Agency:

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements filed November 4, 1985 Through November 8, 1985 Pursuant to 40 CFR 1506.9.

EIS No. 850490, Final, SFW, MT, Charles M. Russell National Wildlife Refuge Management, Due: December 16, 1985, Contact: Bruce Blanchard (202) 343-3891.

EIS No. 850491, Final, BLM, CO, Grand Junction Resource Area, Resource Management Plan, Garfield and Mesa Counties, Due: December 16, 1985, Contact: Forest Littrell (303) 243-6552.

EIS No. 850492, Draft, FHW, Ca, Ca-2/ Santa Monica Boulevard Improvement, San Diego Freeway/I-405 to Fairfax Avenue, Los Angeles County, Due: December 30, 1985, Contact: Glenn Clinton (916) 551-1310.

EIS No. 850493, Final, FHW, MN, MN TH-33 Improvements, I-35 to US TH-53, Carlton and St. Louis Counties, Due: December 16, 1985, Contact: Roger Borg (612) 725-7001.

EIS No. 850494, Final, COE, AR, L'Anguille River and Tributaries Flood Control Plan, Due: December 16, 1985, Contact: Morris Mauney (901) 521-3857.

EIS No. 850495, Final, CDB, NY, Rochester Science Park Development, Expansion and Replacement, CDBG, Monroe County, Due: December 16, 1985, Contact: William Andreas (716) 428-6895.

EIS No. 850496, RDSuppl, COE, CA, Wildcat and San Pablo Creeks Flood Control Plan, Reexamination of Impacts, Due: January 7, 1986, Contact: Mike Welsh (916) 551-1861.

EIS No. 850497, Final, COE, FL, Canaveral Harbor West Basin and Approach Channel Improvements,

Canaveral Bight, Brevard County. Due: December 16, 1985, Contact: Jon Moulding (904) 791-2286.

EIS No. 850498, Final, FHW, IN, Broadway/Macedonia Corridor Improvement, South Muncie Bypass/IN-67 to North Muncie Bypass/IN-67, Delaware County, Due: December 16, 1985, Contact: Ed Ames 1-(317) 232-5111.

Amended Notices

EIS No. 850416, Draft, EPA, PAC, Johnston Atoll Vicinity, Brine and Solid Waste, Deep Ocean Disposal Site, Designation, Due: November 18, 1985, Contact: Paul Pan (202) 755-9231 Published FR 10-4-85—Incorrect phone number.

EIS No. 850432, FSuppl, AFS, CO, Arapaho and Roosevelt National Forests and Pawnee National Grassland, Land and Resource Management Plan, Due: November 12, 1985, Published FR 10-4-85—Incorrect status and due date change.

EIS No. 850474, Draft, FHW, MD, Calvert Road Closure, US-1 to MD-201, Construction of Metro Line, Due: January 6, 1986, Published FR 11-1-85—Filing date reestablished.

Dated: November 12, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85-27298 Filed 11-14-85; 8:45 am]

BILLING CODE 6560-50-M

[FRL-2920-1]

Intent To Prepare an Environmental Impact Statement; St. John, VI

AGENCY: U.S. Environmental Protection Agency (EPA), Region II.

ACTION: Preparation of an Environmental Impact Statement on the 201 Facilities Plan for Cruz Bay, St. John, U.S. Virgin Islands.

Purpose: In accordance with section 102(2)(c) of the National Environmental Policy Act, EPA has identified a need to prepare an environmental impact statement (EIS) on the 201 facilities plan for Cruz Bay, St. John, U.S. Virgin Islands and, therefore, publishes this notice of intent pursuant to 40 CFR Part 1507.2.

FOR FURTHER INFORMATION CONTACT: Mr. William Lawler, Environmental Impacts Branch, U.S. Environmental Protection Agency—Region II, 26 Federal Plaza, Room 702, New York, New York 10278, Telephone: (212) 264-5391.

SUMMARY:

1. Background

The Cruz Bay project planning area includes approximately 480 acres at the western end of the island of St. John, and is the only part of the 19 square mile island with a centralized wastewater treatment and disposal system. National Park lands account for approximately two-thirds of St. John's land area and are sparsely inhabited. According to the 1980 U.S. Census, the total population of St. John was 2,480, with approximately 1,030 persons in the Cruz Bay project planning area. Coral reefs and sea grass beds which are abundant in the nearshore waters of St. John are valuable natural resources to the island's inhabitants, visitors and marine species.

The existing centralized wastewater disposal facilities in the Cruz Bay planning area consist of a 20,000 gallon per day (nominal capacity) extended aeration wastewater treatment plant, transferred from St. Thomas in 1981, and a limited number of collector sewers which serve approximately one-half of the area's population. The remainder of the area's population is served by septic tanks, or other individual on-site disposal systems, which do not function properly due to soil conditions and topographical limitations.

A 1983 study noted serious deficiencies in the operation, maintenance, and safety of the Cruz Bay facilities. In an effort to correct these problems, the Government of the Virgin Islands developed a comprehensive facilities plan for an improved wastewater treatment system in Cruz Bay. A draft of this facility plan was submitted to EPA in August 1985. The draft facility plan proposed a treatment system including an oxidation ditch wastewater treatment plant, to be located at the existing plant site, with an ocean outfall discharging treated effluent in the vicinity of Turner Bay, as well as additions to the existing collection system consisting principally of gravity collector sewers, with two pump stations and several grinder pumps. After review of the submitted documentation, EPA found that the facilities plan did not adequately evaluate the environmental impacts of all feasible alternatives for the study area.

2. Issues

Because of the sensitive nature of the island's ecology and the need to develop a cost-effective wastewater management plan for Cruz Bay, St. John, EPA is undertaking this EIS to develop a cost-effective, environmentally sound, and implementable wastewater treatment plan for the study area. Some of the issues that must be addressed in the EIS include:

a. Alternative wastewater treatment schemes (innovative and/or alternative systems);

b. Impacts to a national park;

c. Impacts to endangered and threatened species;

d. Impacts to cultural resources;

e. Secondary growth impacts;

f. Water supply impacts; and

g. Impacts to environmentally sensitive areas.

Alternatives

The EIS will evaluate the following categories of alternatives for environmental soundness, cost-effectiveness, and implementability for Cruz Bay study area.

a. No action.

b. Regional wastewater management alternatives.

c. Subregional wastewater management.

d. Individual wastewater management alternatives.

e. Wastewater treatment process alternatives.

f. Sludge treatment and disposal alternatives.

g. Facility site selection alternatives.

4. Scoping

Full public participation by interested federal, territorial, and local agencies as well as other interested organizations and the general public is encouraged. In this regard, EPA will hold a public meeting to refine the scope of the EIS on December 17, 1985, at 7:30 PM at the Territorial Court Building, Boulon Center in Cruz Bay. The meeting will be held to receive comments on the scope of the EIS, reasonable alternatives that should be considered, anticipated environmental problems, and actions that might be taken to address them.

Participants are encouraged to submit, in advance, their intent to participate in the scoping meeting and any associated written materials. However, submission of intent to participate and written materials is not required for participation at the scoping meeting. In addition, if attendance at the scoping meeting is not possible, written comments on scoping issues may be sent to the Chief, Environmental Impacts Branch, U.S. Environmental Protection Agency—Region II; 26 Federal Plaza, New York, New York 10278.

5. Timing

EPA expects to issue a draft EIS for public review and comment within seven (7) months.

6. Requests for Copies of the Draft EIS

All interested parties are encouraged to submit their names and addresses to the person indicated above for inclusion on the distribution list for the draft EIS and related public notices

Dated: November 12, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85-27300 Filed 11-14-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

November 7, 1985.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submissions are available from Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-7231.

OMB Number: None
Title: Section 76.79, Records Available for Public Inspection
Action: New collection
Respondents: Cable television system operators
Estimated Annual Burden: 6,907 Recordkeepers; 13,814 Hours
OMB Number: None
Title: Section 76.73, General EEO Policy
Action: New collection
Respondents: Cable television system operators
Estimated Annual Burden: 3,022 Recordkeepers; 290,112 Hours

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-27165 Filed 11-14-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Lewis Federal Savings and Loan Association, Chehalis, WA; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Lewis Federal Savings and Loan Association, Chehalis, Washington, on November 5, 1985.

Dated: November 12, 1985

Jeff Sconyers,

Secretary.

[FR Doc. 85-27246 Filed 11-14-85; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Banca Commerciale Italiana et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 29, 1985.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Banca Commerciale Italiana*, Milan, Italy and *North American Bancorp, Inc.*, Garden City, New York; to engage *de novo* through its subsidiary, NABAC Investment Securities Corp., Garden City, New York in providing securities brokerage services, related securities credit activities pursuant to the Federal Reserve Board's Regulation T and incidental activities such as offering custodial services, individual retirement accounts and cash management services pursuant to § 225.25(b)(15) of Regulation Y. Comments on this application must be received not later that November 26, 1985.

B. Federal Reserve Bank of Chicago (Franklin C. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *J.E. Coonley Co.*, Dows, Iowa; to engage *de novo* in the leasing of computer hardware and software to a nonsubsidiary financial institution, Sheffield Savings Bank, Sheffield, Iowa pursuant to § 225.25(b)(5) of Regulation Y. These activities are limited to the lease transaction between J.E. Coonley Co. and Sheffield Savings Bank. Comments on this application must be received not later than December 2, 1985.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Johnston County Bancshares, Inc.*, Tishomingo, Oklahoma; to engage *de novo* through its subsidiary, Johnston County Insurance Agency, Inc., Tishomingo, Oklahoma, in the sale of life, accident and health insurance directly related to extensions of credit by applicant's subsidiary bank pursuant to section 4(C)(8)(A) of the Bank Holding Company Act. Comments on this application must be received not later than November 27, 1985.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *PSB Financial Corporation*, Many, Louisiana; to engage *de novo* directly in securities brokerage services pursuant to § 225.25(b)(15) of Regulation Y.

Board of Governors of the Federal Reserve System, November 8, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27143 Filed 11-14-85; 8:45 am]

BILLING CODE 6210-01-M

BJS, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 2, 1985.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *BJS, Inc.*, West Union, Iowa; to become a bank holding company by acquiring 34 percent of the voting shares of Westmont Corporation, West Union, Iowa, thereby indirectly acquiring The Farmers Savings Bank, West Union, Iowa.

2. *USA Firstrust, Inc.*, Oglesby, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Oglesby, Oglesby, Illinois.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *BEDA Holding Company, Inc.*, Canton, South Dakota; to become a bank holding company by acquiring at least 80 percent of the voting shares of Farmers State Bank of Canton, Canton, South Dakota.

2. *Kootenni Bancorp, Inc.*, Libby, Montana; to acquire an additional 30.91 percent of the voting shares of First National Bank in Libby, Libby, Montana. Comments on this application must be received not later than December 5 1985.

3. *SSB, Inc.*, Manistique, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of The State Savings Bank of Manistique, Manistique, Minnesota.

Board of Governors of the Federal Reserve System, November 8, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27144 Filed 11-14-85; 8:45 am]

BILLING CODE 6210-01-M

FWB Bancorporation et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 4, 1985.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *FWB Bancorporation*, Rockville, Maryland; to engage *de novo* through its subsidiary, FWB Mortgage, Inc., Rockville, Maryland, in making, acquiring, and servicing for its own account or the account of other extensions of credit, pursuant to § 225.25(b)(1) of Regulation Y.

2. *Washington Bancorporation*, Washington, DC; to engage *de novo* through its subsidiary, Washington Mortgage Group, Washington, DC, in appraising single family residences for first and second trust loan applications; inspecting single family and multi-family structures for draw requests and the release of escrows; assisting developers in securing project approvals from various agencies active in secondary mortgage markets; placing single family, multi-family and commercial loans with commercial banks, savings and loans, insurance companies and other sources active in the secondary markets; negotiating sales and purchases of blocks of loans for other financial institutions; and negotiating, for a fee, the sale of loan servicing to other lenders active in the secondary market, pursuant to § 225.225(b)(1) and (13) respectively.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First National of Nebraska, Inc.*, Omaha, Nebraska; to engage *de novo* through its subsidiary, First National Credit Corporation, Omaha, Nebraska, to engage in the activity of participating in credit card receivables generated by Applicant's subsidiary bank, pursuant to § 225.25(b)(1) of Regulation Y. Applicant previously received approval to conduct this activity in Nebraska, Iowa, Minnesota, South Dakota and North Dakota, and seeks approval in this application to conduct this activity nationwide. Comments on this application must be received not later than December 3, 1985.

Board of Governors of the Federal Reserve System, November 8, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27145 Filed 11-14-85; 8:45 am]

BILLING CODE 6210-01-M

First Regional Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice

have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 6, 1985.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *First Regional Bancorp, Inc.*, Hartford, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank—CT, Hartford, Connecticut.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Sandhills Holding Company, Inc.*, Bethune, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Sandhills Bank, Bethune, South Carolina.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *South Alabama Bancorporation, Inc.*, Brewton, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank, Brewton, Alabama. Comments on this application must be received not later than December 4, 1985.

D. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First of America Bank Corporation*, Kalamazoo, Michigan; to acquire 100 percent of both Michigan National Bank-Grand Traverse, Traverse City, Michigan, and Michigan National Bank-North, Petoskey, Michigan.

2. *Metropolitan Bancorp, Inc.*, Chicago, Illinois; to become a bank holding company be acquiring 100 percent of the voting shares of Metropolitan Bank and Trust Company, Chicago, Illinois.

3. *North Community Bancorp, Inc.*, Chicago, Illinois; to acquire 77 percent of the voting shares of Metropolitan Bancorp, Inc., Chicago, Illinois, thereby indirectly acquiring Metropolitan Bank and Trust Company, Chicago, Illinois.

E. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Carlton County Bancorporation, Inc.*, Cloquet, Minnesota; to become a bank holding company by acquiring 92.11 percent of the voting shares of City National Bank of Cloquet, Cloquet, Minnesota.

F. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Duncanville Bancshares, Inc.*, Duncanville, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of First State Bank of Texas, Duncanville, Texas. Comments on this application must be received not later than December 4, 1985.

2. *Hub Financial Corporation*, Lubbock, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of City Bank, N.A., Lubbock, Texas. Comments on this application must be received not later than December 4, 1985.

G. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Citizens Bancorporation*, Marysville, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank of Snohomish County, Marysville, Washington.

Board of Governors of the Federal Reserve System, November 8, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27146 Filed 11-14-85; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover Corp., New York, NY; Proposal To Offer Through the Same Subsidiary Securities Brokerage and Investment Advice Concerning Government Obligations and Money Market Instruments

Manufacturers Hanover Corporation, New York, New York, has applied under section 4(c)(8) of the Bank Holding Company Act ("Act"), 12 U.S.C. 1843(c)(8), for permission to expand the activities of its wholly-owned subsidiary, Manufacturers Hanover Securities Corporation ("MH Securities"), New York, New York, to include securities brokerage services that are restricted to buying and selling securities solely as agent for the account of customers and do not include securities underwriting or dealing or investment advice or research services, pursuant to § 225.25(b)(15) of Regulation Y, 12 CFR 225.25(b)(15). Applicant has previously received approval for its wholly-owned subsidiary, Manufacturers Hanover Money Market Corporation, to engage in (1) underwriting, dealing in, and purchasing and selling government obligations and money market instruments pursuant to § 225.25(b)(16) of the Board's Regulation Y, 12 CFR 225.25(b)(16). *Manufacturers Hanover Corporation*, 70 Federal Reserve Bulletin 661 (1984); and (2) providing general economic information and specific investment on a nonfee basis relating solely to government obligations and money market instruments, pursuant to § 225.25(b)(4) of Regulation Y, 12 CFR 225.25(b)(4). *Manufacturers Hanover Corporation, supra.* These activities are presently concluded in MH Securities.

The Board has previously approved the offering of investment advice, as well as the provision separately of securities brokerage services solely as agent for the account of customers and not including securities underwriting, dealing, investment advisory or research services. 12 CFR 225.25 (b)(4), (b)(15). This application raises the question whether a bank holding company may through the same subsidiary provide securities brokerage services permissible under § 225.25(b)(15) of Regulation Y, underwrite and deal in government obligations and money market instruments under § 225.25(b)(16) of Regulation Y, and provide investment advice under § 225.25(b)(4) of Regulation Y solely with respect to government obligations and money market instruments, where the securities brokerage activities and underwriting of government obligations and money market instruments and related advice

would be carried on by separate personnel and where there would be no cross-selling of products.

Section 4(c)(8) of the Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). In determining whether an activity is a proper incident to banking, the Board must consider whether the proposal may "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." *Id.*

In this regard, comment is required concerning whether the provision through the same subsidiary of securities brokerage services and investment advice solely with respect to government obligations and money market instruments is closely related to banking on the basis that: (1) Banks have generally in fact provided the proposed services; (2) banks generally provide services that are so similar to the proposed services as to equip them particularly well to provide the proposed services; or (3) banks generally provide services that are so integrally related to the proposed services as to require their provision in a specilized form. These guidelines for determining whether an activity is closely related to banking are set out in *National Courier Association* v. *Board of Governors of the Federal Reserve System*, 516 F.2d 1229 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 813 (1984).

Comment also is requested on whether the proposal would be a proper incident to banking, that is, whether the performance of the activity may reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

Comment also is requested on whether conditions should be established to ameliorate any possible adverse effects, in addition to, or as modifications of, the commitment already offered by Applicant. Applicant has committed that the securities brokerage services of MH Securities will be separate and distinct from the activity of underwirting and dealing in government obligations and money market instruments and the provision of advice concerning government obligations and money market instruments.

In this regard, the personnel of MH Securities who currently engage in underwriting and dealing in government obligations and money market instruments and providing investment advice relating to government obligations and money market instruments would not provide any securities brokerage services. The personnel of MH Securities who would provide securities brokerage services would not engage in underwriting and dealing in government obligations and money market instruments nor provide investment advice concerning government obligations and money market instruments. Employees of MH Securities that engage in securities brokerage activities will be physically separate from those engaged in underwriting and dealing in government obligations and money market instruments and providing advice concerning government obligations and money market instruments. No advertising or promotion by MH Securities will state or imply that any investment advice or research services will be offered or provided in connection with its securities brokerage services. MH Securities will maintain separate and explicit prices for its securities brokerage services and its underwriting and dealing in of government obligations and money market instruments. Moreover, there will be no linkage of securities brokerage services and underwriting and dealing in government obligations and money instruments and advice concerning government obligations and money market instruments. Nor will there be any discount for using both the securities brokerage services and the services related to government obligations and money market instruments. Customers using both the securities brokerage services and services related to government obligations and money market instruments of MH Securities will receive separate bills and statements of account.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than December 5, 1985. Any request for a hearing must, as required by section 262.3(e) of the Board's Rules of Procedure, 12 CFR 262.3(e), be accompanied by a statement of why a written statement would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, November 8, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27147 Filed 11-14-85; 8:45 am]

BILLING CODE 6210-01-M

Wells Fargo & Co.; Proposal To Issue Variably Denominated Payment Instruments, Including Certain Instruments Having Unlimited Maximum Face Values

Wells Fargo & Company ("Applicant" or "Wells Fargo"), San Francisco, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage directly in the issuance and sale of payment instruments, as follows: (1) Domestic money orders to a maximum face value of $10,000; (2) international money orders in denominations not to exceed $10,000; and (3) official "checks" with no maximum limitation on the face amount. Direct or indirect sale and/or issuance of variably denominated payment instruments by bank holding companies has been previously approved by Board order only for face amounts not to exceed $10,000. *BankAmerica Corporation*, 70 Federal Reserve Bulletin 364 (1984); *Citcorp*, 71 Federal Reserve Bulletin 58 (1985).

The issue presented by the proposal is whether the issuance of certain payment instruments with no maximum limitation on their face value, and subject to the limitations stated within the proposal, would be consistent with the policies expressed in the Board's *BankAmerica* Order.

In its *BankAmerica* Order, the Board noted its concern that the issuance of such instruments with a face value of over $1,000 could result in an adverse effect on the reserve base because such instruments generally are not subject to transaction account reserve requirements. Because reserve requirements serve as an essential tool of monetary policy, the Board was concerned that the BankAmerica proposal might result in adverse effects

on monetary policy due to the erosion of the reservable deposits of the banking system.

In order to assess the effects of that proposal on the reserve base, the Board determined that it should closely monitor its effects on the Board's conduct of monetary policy. To that end, the Board approved the BankAmerica proposal to issue such instruments with a face value up to $10,000, but required BankAmerica to file with the Board weekly reports of daily data on this activity. If it appeared that the result of the proposal was a significant reduction in the reserve base or other adverse effect on the conduct of monetary policy, the Board stated that it might impose reserve requirements on such transactions.

Applicant has stated that by its proposal it does not wish to cause any modification of the Board's policies as expressed in the *BankAmerica* Order. Accordingly, Wells Fargo proposes as part of this application, and commits, that Wells Fargo shall effectively cause to be deposited into a demand deposit account at its bank subsidiary, Wells Fargo Bank, N.A., all the proceeds of any official check having a face value in excess of $10,000, and the proceeds of each item will remain in the demand account until the respective payment instrument is paid. Weekly reports will be made showing separately the aggregate value of outstanding instruments with face values up to $10,000, as well as the aggregate value of outstanding instruments with face values exceeding $10,000.

Applicant contends that implementation of the foregoing commitment and procedures will maintain reserves at the same levels as would be the case if the Board were to approve a Wells Fargo application to increase the denomination of official checks available for sale by Wells Fargo from $1,000 to $10,000, but at the same time will permit Wells Fargo to increase the efficiency and reduce the overall cost of its payment instruments activities.

Wells Fargo also has committed to issue and sell these instruments exclusively through branches of Wells Fargo Bank in California. In this regard, Applicant relies upon section 4(c)(1)(C) of the Bank Holding Company Act for authority to furnish data processing, marketing and servicing assistance in connection with its payment instruments activities.

Interested persons may express their views in writing on the question whether consummation of this proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than December 11, 1985. Any request for a hearing must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco.

Board of Governors of the Federal Reserve System, November 8, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-27148 Filed 11-14-85; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Agency Information Collection Under Review by the Office of Management and Budget; General Services Administration Acquisition Regulation, Progress Payment Provision (552.232-74)

AGENCY: Office of Policy and Management System, GSA.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) requests the Office of Management and Budget (OMB) to approve an existing collection in use without a control number.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to William W. Hiebert, GSA Clearance Officer, General Services Administration (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of Acquisition Policy (202-523-4754).

SUPPLEMENTARY INFORMATION: a. *Purpose.* This collection will inform the contracting officer if a prospective contractor wants progress payments and if his bid or offer is conditioned upon receipt of the payments.

b. *Annual reporting burden.* Respondents, responses and hours, 30 each.

c. *Copies of proposal.* Copies may be obtained from the Directives and Reports Management Branch (ATRAI), Room 3013, GS Building, Washington, DC 20405 (202-566-0666).

Dated: November 6, 1985.

Johnny T. Young,

Acting Director, Information Management Division.

[FR Doc. 85-27218 Filed 11-14-85; 8:45 am]

BILLING CODE 6820-61-M

Agency Information Collection Under Review by the Office of Management and Budget: State Agency Donation Report of Surplus Personal Property

AGENCY: Office of Policy and Management Systems, GSA.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) requests the Office of Management and Budget (OMB) to approve the extension of the expiration date of a currently approved collection.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to William W. Hiebert, GSA Clearance Officer, General Services Administration (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Audrey Harris, Office of Federal Supply and Services (703-557-1234).

SUPPLEMENTARY INFORMATION: a. *Purpose.* This collection provides information for the evaluation of regional and State agency performance in the donation of surplus personal property.

b. *Annual reporting burden.* Respondents 55, responses and hours 220 each.

c. *Copies of proposal.* Copies may be obtained from the Directives and Reports Management Branch (ATRAI), Room 3013, GS Building, Washington, DC 20405 (202-566-0666).

Dated: November 6, 1985.

Johnny T. Young,

Acting Director, Information Management Division.

[FR Doc. 85-27219 Filed 11-14-85; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on November 8, 1985.

Public Health Service

Food and Drug Administration

Subject: Common or Usual Name Labeling of Peanut Spreads—Existing Collection.

Respondents: Businesses, small businesses.

OMB Desk Officer: Bruce Artim.

Social Security Administration

Subject: AFDC-Adult Quality Control Summary Tables-SSA 4342 Revision (0960-0146).

Respondents: State or local governments.

Subject: Physician/Medical Officers Statement (Patients Capability to Manage Benefits)—Revision (0960-0024).

Respondents: Individuals, physicians.

OMB Desk Officer: Judy A. McIntosh.

Human Development Services

Subject: Referral for WIN Registration-IM-3—Extension (0980-0111).

Respondents: State/local governments.

OMB Desk Officer: Judy A. McIntosh.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address:

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503, ATTN: (name of OMB Desk Officer).

Dated: November 12, 1985.

K. Jacqueline Holz,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 85-27273 Filed 11-14-85; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 85M-0504]

Cardiac Pacemakers, Inc.; Premarket Approval of the Automatic Implantable Cardioverter Defibrillator (AICD) System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application submitted by Intec Systems, Inc., Pittsburgh, PA, for premarket approval, under the Medical Device Amendments of 1976, of the Automatic Implantable Cardioverter Defibrillator (AICD) system. Intec subsequently assigned the application to Cardiac Pacemakers, Inc., St. Paul, MN 55101. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by December 16, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Doris Terry, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7594.

SUPPLEMENTARY INFORMATION: On March 1, 1984, Intec Systems, Inc., Pittsburgh, PA 15238, submitted to CDRH an application for premarket approval of the Automatic Implantable Cardioverter Defibrillator (AICD) system. The AICD system consists of a battery operated pulse generator (AID®-B or AID®-BR), a set of leads, and external diagnostic/monitoring electronic devices (the External Cardioverter Defibrillator (ECD) system and the AIDCHECK®-B system).

The AICD system is intended for the treatment of ventricular tachycardia and ventricular fibrillation in patients who are at high risk of sudden cardiac death. Such patients are defined as: (1) Those who have survived at least one episode of cardiac arrest presumably due to hemodynamically unstable ventricular tachyarrhythmia not associated with acute myocardial infarction, and (2) those who, in the absence of such previous arrest, have experienced recurrent ventricular tachyarrhythmias and are inducible into sustained hypotensive ventricular tachycardia or fibrillation or both despite conventional antiarrhythmic drug therapy. The patients who meet the criteria above should have also undergone a complete cardiological evaluation that includes electrophysiological testing.

On May 13, 1985, the Circulatory System Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On October 4, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Doris Terry (HFZ-450), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 16, 1985, file with the

Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: November 7, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85–27127 Filed 11–14–85; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 85M–0507]

Johnson & Johnson Products, Inc.; Premarket Approval of J-COLL™ Collagen Absorbable Hemostat

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Johnson & Johnson Products, Inc., New Brunswick, NJ, for premarket approval, under the Medical Device Amendments of 1976, of the J-COLL™ Collagen Absorbable Hemostat. After reviewing the recommendation of the General and Plastic Surgery Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by December 16, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nirmal K. Mishra, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7156.

SUPPLEMENTARY INFORMATION: On June 13, 1984, Johnson & Johnson Products, Inc., New Brunswick, NJ 08903, submitted to CDRH an application for premarket approval of the J-COLL™ Collagen Absorbable Hemostat. The device is an absorbable hemostatic agent that is a sterile, nonpyrogenic, lightly cross-linked, and lyophilized bovine dermal collagen. The device is indicated in surgical procedures (other than in neurosurgical, urological, and ophthalmological surgery) for use as an adjunct to hemostasis when control of bleeding by ligature or other conventional methods is ineffective or impractical. On May 10,1985, the General and Plastic Surgery Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On October 10,1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device of the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nirmal K. Mishra (HFZ–410), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 16, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: November 7, 1985

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85–2716 Filed 11–14–85; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of a Georgia State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on January 7, 1986 in Atlanta, Georgia to reconsider our decision to disapprove Georgia State Plan Amendment 84–22.

DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk December 2, 1985.

FOR FURTHER INFORMATION, CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a Georgia State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the

hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether Georgia's proposal which would amend the Georgia Medicaid State plan for reimbursement of inpatient hospital services violates Federal regulations at 42 CFR 447.253(b)(2).

The Medicaid regulations at 42 CFR 447.253(b)(2) require submittal of an assurance that the State's estimated average proposed payment rate is reasonably expected to pay no more in the aggregate for inpatient hospital or long-term care facility services than the amount that would be paid under Medicare principles of reimbursement. The State of Georgia submitted this assurance in support of its proposed plan amendment.

HCFA believes that the State of Georgia's increase in the intensity allowance for hospitals serving disproportionate numbers of low income patients with special needs, which is greater than that permitted by Medicare, would, in conjunction with other features of the State's hospital reimbursement system, permit payments to increase faster than allowed under Medicare and would result in payments in excess of amounts permitted under the Medicare principles of reimbursement. HCFA also believes the State has not satisfactorily explained how the proposed intensity factor would comply with the Medicare upper payment limit and therefore the assurance submitted as required by the regulations at 42 CFR 447.253(b)(2) is unacceptable. Therefore, HCFA has determined that Georgia's proposal is in violation of Federal regulations at 42 CFR 447.253(b)(2).

The notice to Georgia announcing an administrative hearing to reconsider our disapproval of its State plan amendment reads as follows:

Mr. Aaron J. Johnson,

Commissioner, State of Georgia, Department of Medical Assistance, Floyd Veterans Memorial Bldg.—West Tower, 2 Martin Luther King, Jr. Drive SE., Atlanta, Georgia 30334

Dear Mr. Johnson: This is to advise you that your request for reconsideration of the decision to disapprove Georgia State Plan Amendment 84-22 was received on October 10, 1985. You have requested a reconsideration of whether the plan amendment which would amend the Georgia Medicaid State plan for reimbursement of inpatient hospital services conforms to the requirements for approval under the Social Security Act and pertinent Federal regulations.

I am scheduling a hearing on your request to be held on January 7, 1986 at 10 a.m., in the 7th Floor Conference Room, 101 Marietta Tower, Spring and Marietta Streets, Atlanta, Georgia. If this date if not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Lawrence Ageloff as the presiding offical. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594-8261.

Sincerely yours,

C. McClain Haddow,

Acting Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: November 8, 1985.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 85-27191 Filed 11-14-85; 8:45 am]

BILLING CODE 4120-01-M

[BERC-351-N]

Medicare Program; Hospice Payment Cap

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces an updated payment cap for hospice care under the Medicare program. The revised cap amount applies to payments made to a hospice for the period November 1, 1984 through October 31, 1985.

EFFECTIVE DATE: The payment cap is effective for the period November 1, 1984 through October 1, 1985.

FOR FURTHER INFORMATION CONTACT: Randal Ricktor, (301) 597-1806.

SUPPLEMENTARY INFORMATION: Section 122 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248), which was enacted on September 3, 1982, expanded the scope of Medicare benefits by authorizing coverage for hospice care for terminally ill beneficiaries. The principal changes made by section 122 are contained in sections 1812 (a)(4) and (d), 1813(a)(4), 1814 (a)(7) and (i), 1816(e)(5), and 1861(dd) of the Social Security Act (the Act). Section 1814(i) of the Act was further amended on August 29, 1983 by section 1 of Pub. L. 98-90 and on November 8, 1984 by section 1(a) of Pub. L. 98-617. Our regulations implementing the hospice program under Medicare were published in the **Federal Register** on December 16, 1983 (48 FR 56008) and are set forth at 42 CFR Part 418.

Under the authority of section 1814(i) of the Act, hospices are paid on the basis of one of four prospectively determined rates for each day in which a qualified Medicare beneficiary is under the care of the hospice. The four categories of payment rates are routine home care, continuous home care, inpatient respite care, and general inpatient care, as described in § 418.302. However, section 1814(i)(2) of the Act specifies that Medicare payment to a hospice for care furnished over the period of a year is limited by a payment cap. The payment cap is described in regulations at § 418.309.

Section 1814(i)(2)(B) of the Act and § 418.309 of the regulations set the initial hospice cap amount for the period November 1, 1983 to October 31, 1984 at $6,500. Each hospice's cap amount is calculated by multiplying the yearly cap by the number of Medicare beneficiaries who elected to receive and did receive hospice care from the hospice during the cap period (November 1 through October 31).

Section 1814(i)(2)(B) of the Act and § 418.309(a) specify the manner in which the cap amount is adjusted for accounting years that end after October 1, 1984. The initial cap amount of $6,500 is adjusted for inflation or deflation for cap years that end after October 1, 1984 by using the percentage change in the medical care expenditure category of the Consumer Price Index (CPI) for urban consumers that is published by the Bureau of Labor Statistics (BLS). This adjustment is made using the change in the CPI from March 1984 to the fifth month of the cap year. Because the cap year runs from November 1, 1984 through October 31, 1985, an index is needed to measure inflation (or deflation) from March 1984 to March 1985 (the fifth month of the accounting

year). Since this calculation could not be made until after March 1985, we could not, as a practical matter, publish the hospice cap amount before the beginning of the period to which the cap applies.

BLS has recently released figures that indicate a March 1985 price level in the medical care expenditure category of 396.5 (1967=100.0). This figure is divided by the March 1984 price level of 374.5 to yield an index of 1.059. Therefore, the new hospice cap is the product of $6,500 and 1.059; that is, $6,884. This cap applies to hospices for care furnished from November 1, 1984 to October 31, 1985.

This notice merely announces amounts required by legislation and § 418.309. This notice is not a proposed rule or a final rule issued after a proposal, and does not alter any regulation or policy. Therefore, no analyses are required under Executive Order 12291 or the Regulatory Flexibility Act (5 U.S.C. 601 through 612).

(Section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) and 42 CFR 418.309)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: October 29, 1985.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 85-27264 Filed 11-14-85; 8:45 am]

BILLING CODE 4120-01-M

Office of Human Development Services

Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX—Social Services Block Grant Act; Promulgation for Fiscal Year 1987

AGENCY: Office of Human Development Services, Department of Health and Human Services.

ACTION: Notification of Allocation of Title XX—Social Services Block Grant Allotments for Fiscal Year 1987.

SUMMARY: This issuance sets forth the individual allotments to States for Fiscal Year 1987 pursuant to Title XX of the Social Security Act, as amended (Act). The allotments to the States published herein are based upon the authorization set forth in section 2003 of the Act and are contingent upon Congressional appropriations actions for the fiscal year. If Congress enacts and the President approves an amount different from the authorization, the allotments will be adjusted proportionately.

FOR FURTHER INFORMATION CONTACT: HDS Regional Administrators.

SUPPLEMENTARY INFORMATION: Section 2003 of the Act authorizes $2.7 billion for Fiscal Year 1987 and provides that it be allocated as follows:

(1) Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands each receive an amount which bears the same ratio to $2.7 billion as its allocation for Fiscal Year 1981 bore to $2.9 billion.

(2) The remainder of the $2.7 billion is allocated to each State in the same proportion as that State's population is to the population of all States, based upon the most recent data available from the Department of Commerce.

For Fiscal Year 1987, the allotments are based upon the Bureau of the Census population statistics contained in its publication "Current Population Reports" (Series P-25 No. 970, issued June 1985), which is the most recent satisfactory data available from the Department of Commerce at this time as to the population of each State and of all States.

EFFECTIVE DATE: The allotments shall be effective October 1, 1986.

Fiscal Year 1987 Federal Allotments to States Social Services—Title XX Block Grants

Total	$2,700,000,000
Alabama	45,363,931
Alaska	5,884,703
Arizona	34,710,797
Arkansas	26,706,735
California	291,306,927
Colorado	36,131,973
Connecticut	35,859,107
Delaware	6,969,446
Dist. of Columbia	7,083,140
Florida	124,790,603
Georgia	66,363,224
Guam	465,517
Hawaii	11,812,813
Idaho	11,380,776
Illinois	130,873,235
Indiana	62,508,995
Iowa	33,084,972
Kansas	27,718,612
Kentucky	42,328,299
Louisiana	50,730,291
Maine	13,143,034
Maryland	49,445,548
Massachusetts	65,919,817
Michigan	103,177,362
Minnesota	47,319,469
Mississippi	29,537,717
Missouri	56,937,986
Montana	9,368,391
Nebraska	18,259,266
Nevada	10,357,529
New Hampshire	11,107,910
New Jersey	85,441,668
New Mexico	17,190,034
New York	201,636,420
North Carolina	70,092,389
North Dakota	7,799,413

Fiscal Year 1987 Federal Allotments to States Social Services—Title XX Block Grants—Continued

No. Mariana Islands	93,103
Ohio	122,243,856
Oklahoma	37,496,302
Oregon	30,401,792
Pennsylvania	135,307,304
Puerto Rico	13,965,517
Rhode Island	10,937,369
South Carolina	37,519,041
South Dakota	8,026,601
Tennessee	53,629,489
Texas	181,785,436
Utah	18,782,259
Vermont	6,025,785
Virgin Islands	465,517
Virginia	64,077,974
Washington	49,445,548
West Virginia	22,193,081
Wisconsin	54,186,590
Wyoming	5,809,767

Dated: November 8, 1985.

Enid Borden,

Acting Director, Office of Policy and Legislation.

Approved: November 8, 1985.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 85-27272 Filed 11-14-85; 8:45 am]

BILLING CODE 4130-01-M

Public Health Service

Assessment of Medical Technology; End-Stage Renal Disease

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the clinical effectiveness, and appropriateness, of laboratory or other tests in the clinical management of patients undergoing dialysis for end-stage renal disease (ESRD). Specifically, this assessment seeks to determine: 1. What laboratory tests are routinely required in average maintenance dialysis cases? 2. If they are required with predictable frequency, what is the recommended frequency (weekly, monthly, other)? 3. In more complicated or otherwise atypical cases, what non-routine tests or batteries of tests may be required for the ongoing care of subsets of the ESRD population? 4. Would such tests be frequently or infrequently performed? This assessment seeks to determine what constitutes optimal laboratory studies in the periodic evaluation of all dialysis patients, whether in-facility or on home dialysis, and whether undergoing hemodialysis,

intermittent peritoneal dialysis, continuous cycling peritoneal dialysis, or continuous ambulatory peritoneal dialysis.

PHS assessments consist of a synthesis of information obtained from appropriate organizations in the private sector as well as from PHS agencies and others in the Federal Government. The assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than 90 days from the date or publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well-designed clinical studies, and information related to the clinical acceptability and effectiveness of this technology. Proprietary information is not being sought.

Written material should be submitted to: Harry Handelsman, D.O., National Center for Health Services Research, and Health Care Technology Assessment, Park Building, Room 3–10, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–4990.

Dated: November 1, 1985.

Enrique D. Carter, M.D.,

Director, Office of Health Technology Assessment, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 85–27190 Filed 11–14–85; 8:45 am]

BILLING CODE 4160–17–M

Advisory Council; Meeting

In accordance with section 19(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory Council scheduled to meeting during the month of December 1985:

Name: National Advisory Council on Health Care Technology Assessment.

Date and Time: December 3, 1985, 8:30 a.m.

Place: Bethesda Hyatt Hotel, Judiciary Cabinet Suite, One Bethesda Metro Center, (Wisconsin Avenue and East-West Highway), Bethesda, Maryland 20814.

Open 8:30 a.m. to 4:30 p.m.

Purpose: The Council, pursuant to Pub. L. 98–551, is charged to provide advice to the Secretary and to the Director of the National Center for Health Services Research and Health Care Technology Assessment (NCHSR) with respect to the performance of the health care technology assessment functions prescribed by section 305 of the Public Health Service Act, as amended. This session will focus on Council organization, selection of a Chairman and consideration of the process by which the Council will carry out its responsibilities.

Agenda: The session will be devoted to orientation, organization, and other business covering administrative matters. There will be a presentation by the Director, NCHSR/OTA to open the meeting.

Anyone wishing to obtain a Roster of Members, Minutes of Meeting, or other relevant information should contact Mr. William Whorton, National Center for Health Services Research and Health Care Technology Assessment, Stop 330, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone number (301) 443–5653.

Agenda items are subject to change as priorities dictate.

Dated: November 6, 1985.

John E. Marshall, Ph.D.,

Director, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 85–27189 Filed 11–14–85; 8:45 am]

BILLING CODE 4160–17–M

National Toxicology Program; Board of Scientific Conselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, on December 9, 1985.

The meeting will be open to the public. The primary agenda topic is to peer review draft technical reports of long-term toxicology and carcinogenesis studies from the National Toxicology Program. Reviews will be conducted by the Technical Report Review Subcommittee of the Board in conjunction with an *ad hoc* Panel of Experts. The meeting will commence with a discussion *from 8:30 a.m. to 9:15 a.m.* of proposed modifications to the levels of evidence of carcinogenicty used since June 1983 in formulating interpretive conclusions for the NTP long-term toxicology and carcinogenesis studies.

Draft technical reports of studies on the following chemicals (listed in order of review with Chemical Abstracts Service registry numbers, routes of administration and species, and NTP chemical managers) are scheduled to be peer reviewed on December 9:

Chemical/(CAS registry No.)	Route/species	Chemical manager/(phone No.
Chlorpheniramine Maleate (113-92-8).	Gavage/Mice, Rats.	Dr. R.L. Melnick (919-541-4142)
Ampicillin Trihydrate (7177-48-2).	Gavage/Mice, Rats.	Dr. J.K. Dunnick (919-541-4811)
Oxytetracycline Hydrochloride (2058-46-0).	Feed/Mice, Rats	Dr. K.M. Abdo (919-541-7619)
Methyl Methacrylate (80-62-6).	Inhalation/Mice, Rats.	Dr. Po Chan (919-541-7561)
Additionally, studies on one or both of the following chemicals are being scheduled tentatively for presentation and review:		
Trichloroethylene (without Epichlorohydrin) (79-01-6).	Gavage/Rats, four strains.	Dr. J.H. Mennear (919-541-4178)
Dimethylvinyl Chloride (513-37-1).	Gavage/Mice, Rats.	Dr. B.A. Schwetz (919-541-7992)

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919–541–3971), FTS (629–3971), will furnish final agenda, rosters of subcommittee and panel members, and other program information prior to the meeting, and summary minutes subsequent to the meeting.

Dated: November 8, 1985.

David P. Rall, M.D., Ph.D.,

Director, National Toxicology Program.

[FR Doc. 85–27170 Filed 11–14–85; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Permit

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provide pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–697192

Applicant: San Diego Zoo, San Diego, CA

The applicant requests a permit to import 2 female captive-bred lesser mouse lemurs (*Microcebus murinus*) from Rotterdam Zoo, the Netherlands, for the purpose of enhancement of propagation.

PRT–697337

Applicant: San Diego Zoo, San Diego, CA

The applicant requests a permit to import two male and four female captive-bred Bawean deer [*Axis* (=*Cervus*) *porcinus kuhli*] from Singapore Zoological Gardens, Republic

of Singapore, for the purpose of enhancement of propagation.

PRT-697186

Applicant: San Diego Zoo, San Diego, CA

The applicant requests a permit to export a female Bornean orangutan (*Pongo pygmaeus pygmaeus*) to the Leipzig Zoo, East Germany, for the purpose of enhancement of propagation.

PRT-696895

Applicant: San Diego Zoo, San Diego, CA

The applicant requests a permit to export a male dhole (*Cuon alpinus*) to the Assiniboine Park Zoo, Winnipeg, MB, Canada, for the purpose of enhancement of progagation.

PRT-691736

Applicant: Thomas Reid Associates, Palo Alto, CA

The applicant requests a permit to take (capture, collect) up to 5 specimens each of the mission blue butterfly (*Plebejus icarioides missionensis*) and the San Bruno elfin butterfly (*Callophrys mossii bayensis*) at 6 locations in California for population monitoring and scientific research.

PRT-696903

Applicant: Carribean Islands Field Station, Mayaguez, PR

The applicant requests a permit to take (collect) up to 15 brown pelicans (*Pelicanus occidentalis*) annually for the purpose of scientific research.

PRT-698610

Applicant: New York Zoological Society, Bronx, NY

The applicant requests a permit to export a male hooded crane (*Grus monacha*) to the London Zoological Society, Whipsnade Park, England, for the purpose of enhancement of propagation.

PRT-698138

Applicant: Marianne Agardy—Univ. of Rhode Island, Kingston, RI

The applicant requests a permit to import leatherback sea turtle (*Dermochelys coriacea*) blood for the purpose of scientific research.

PRT-697334

Applicant: Ed Meyer, Romulus, MI

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd of Phil van der Merwe, Hutchinson, South Africa, for the purpose of enhancement of progagation.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: November 7, 1985.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-27217 Filed 11-14-85; 8:45 am]

BILLING CODE 4312-55-M

Bureau of Land Management

Montana; Resource Management Plan/ Environmental Impact Statement for the South Dakota Resource Area

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of availability of the proposed South Dakota resource management plan and final environmental impact statement.

SUMMARY: Pursuant to section 202(f) of the Federal Land Policy and Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, a proposed Resource Management Plan/Final Environmental Impact Statement (RMP/EIS) has been prepared for the South Dakota Resource Area.

DATE: This plan is protestable during a 30-day period ending December 16, 1985. Protests should be sent to the Director (202), Bureau of Land Management, 18th and "C" Streets, NW, Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: The South Dakota Resource Area, Miles City District, contains 280,672 surface acres of public land and 5,294,122 mineral acres of public domain located in South Dakota. The emphasis of this plan centers on 278,662 surface acres of Brule, Butte, Custer, Fall River, Haakon, Harding, Jackson, Lawrence, Lyman, Meade, Pennington, Perkins and Stanley Counties. The final RMP/EIS provides a framework for managing and allocating public land and resources in the Resource Area during the next 15 years. The plan focuses on resolving two management issues. These issues are vegetation apportionment and lands.

A total of five alternatives are considered in detail including the proposed alternative. One alternative represents no action which means a continuation of present management direction. The others provide a range of themes from favoring resource protection of favoring resource production, including an intermediate or balanced approach (the proposed RMP). The document contains comments received during the public review period and responses to those comments, and changes which were made as a result of public comment. Protests should include the following information: (1) Name, mailing address, telephone number, and interest of the person filing the protest, (2) a statement of the issue or issues being protested, (3) a copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record, and (4) a short, concise statement explaining why the BLM State Director's decision is believed to be wrong. Additional procedures for filing a protest are listed in 43 CFR 1610.5-2.

Public Participation

Copies will be available at each public library located in the counties listed above in the South Dakota Resource Area. Public reading copies of the final RMP/EIS will be available at the following locations:

Office of Public Affairs, Interior Building, 18th and C Streets NW., Washington, D.C. 20240

Montana State Office, BLM, 222 N. 32nd Street, Billings, MT 59107

Miles City District Office, Garryowen Road, P.O. Box 940, Miles City, MT 59301

South Dakota Resource Area Office, 310 Roundup Street, Belle Fourche, SD 57717.

FOR FURTHER INFORMATION CONTACT: Chris Roholt, Project Manager, Miles City District Office, P.O. Box 940, Miles City, Montana 59301, Telephone: (406) 232-4331.

Dean Stepanek,

State Director.

October 31, 1985.

[FR Doc. 85-26597 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-DN-M

[C-40672]

Emergency Coal Lease Offering by Sealed Bid; Routt County, CO

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, 2020 Arapahoe Street, Denver, Colorado 80205.

Notice is hereby given that certain coal resources in the lands hereinafter

described in Routt County, Colorado will be offered for competitive lease by sealed bid. This offering is being made as a result of an emergency by-pass application filed by Getty Minerals Marketing, Inc., in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.). The sale will be held at 2:00 p.m. December 19, 1985, in the Eleventh Floor Conference Room at the above address.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid meets the fair market value determination of the coal resource. The minimum bid is $100 per acre, or fraction thereof. No bid less than $100 per acre, or fraction thereof, will be considered. The minimum bid is not intended to represent fair market value. The fair market value will be determined by the authorized officer after the sale. Sealed bids must be submitted on or before 1:00 p.m., December 19, 1985, to the Colorado State Office, 1037 20th Street, Denver, Colorado 80202. Bids received after that time will not be considered.

Coal Offered

The coal resource to be offered is limited to coal recoverable by surface mining method from the Wadge and Wolf Creek Seams in the following lands located approximately 17 miles southwest of Steamboat Springs, Colorado:

Township 4 North, Range 86 West, 6th P.M.
Sec. 19, all the part of the W½ lot 11 and of lot 12 lying south of a line begining at the southwest corner of lot 12 of Sec. 19, thence N. 53°29' E. to the west boundary of the E½ lot of 11 of said section and lots 13 and 14; *and that portion of lands lying below the bottom of the Wadge coal seam* in the E½ lot 11 and that part of the NW¼ lot 11 and of lot 12 lying north of the line previously described;
Sec. 30, lots 3 and 4.
Township 4 North, Range 87 West, 6th P.M.
Sec. 23, S½S½NE¼NE¼, SE¼NW¼NE¼, E½SW¼NE¼, SW¼SW¼NE¼, SE¼NE¼, SE¼NE¼SW¼, E½SE¼S W¼, and SE¼;
Sec. 24, all the S½S½NW¼NW¼, S½N½S½S½, S½S½S½, and the part of the S½S½NE¼S¼, and the N½N½S E¼SE¼, lying south of a line beginning at the southwest corner of the N½N½S E¼SE¼ of Sec. 24, thence N. 63°16 ' E. approximately 1473 feet to the northest corner of the S½S½NE ¼SE¼ of said section; *and that portion of lands lying below the bottom of the Wadge coal seam SW¼NW¼, S½S½NE¼SW¼, NW¼SW¼, N½N½S½SW¼, S½N½N E¼SE¼, N½S½NE¼SE¼ S½S½ NE¼SE¼, N½N½SW¼SW¼, and that part of the S½S½NE¼SE¼ and the N½N½SE¼SE¼ lying north of the line described herein;*
Sec. 25, N½N½, N½N½SW¼NE¼, N½N½SE¼NE¼, N½SW¼NW¼, and N½N½SE¼NW¼;
Sec. 26, N½NE¼NE¼, SE¼NE¼NE¼, N½NW¼NE¼, NE¼SE¼NE¼, and NE¼NE¼N¼.

The 1045.90-acre tract contains an estimated 12,310,700 tons of recoverable coal.

Rental and Royalty

The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre, or fraction thereof, and a royalty payable to the United States of 12.5 percent of the value of coal produced. The value of the coal shall be determined in accordance with 43 CFR 3485.2

NOTICE OF AVAILABILITY

Bidding instructions for the offered tract are included in the detailed Statement of Lease Sale. Copies of the statement and of the proposed coal lease are available at the Colorado State Office. Case file documents are also available for public inspection at that office.

Evelyn W. Axelson,

Chief, Mineral Leasing Section.

[FR Doc. 85-27225 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-JB-M

Wyoming; Rawlins District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Rawlins District Office, Rawlins, Wyoming.

ACTION: Notice of Meeting of the Rawlins District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Public Law 94-579 that a meeting of the Rawlins District Advisory Council will be held.

DATE: December 18, 1985.

ADDRESS: The Holiday Inn, Wyoming Room, 1801 E. Cedar Street, Rawlins, Wyoming.

FOR FURTHER INFORMATION CONTACT: Gene Kolkman, Regional Planner, or Mike Karbs, Associate District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, (307) 324-7171.

SUPPLEMENTARY INFORMATION: The meeting will begin at 10:00 a.m. at the Holiday Inn. The agenda for this meeting will include:

1. Operation Respect and Hunter Access Program.
2. Rawlins Wilderness Program.
3. Lander Resource Management Plan.

The meeting is open to the public. Interested persons may make oral statements to the council at 2:00 p.m. or file written statements for the council's consideration. Anyone wishing to make an oral statement should notify the District Manager on or before December 11, 1985. Depending on the number of persons who want to make a statement, a time limit may be established.

Summary minutes will be available for review within 30 days after the meeting at the Rawlins District Office. Copies of the minutes may be obtained for the cost of duplication.

Richard Bastin,

District Manager.

[FR Doc. 85-27283 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-22-M

[W-71890, W-71891]

Proposed Continuation of Reclamation Withdrawal; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that 3,518.63 acres withdrawn for the Alcova Reservoir, Kendrick Project continue until February 8, 2038. Of the lands to continue withdrawn, 2,518.63 acres will remain closed to surface entry and mining, but will remain open to mineral leasing. The remaining 1,000.00 acres of acquired surface estate are withdrawn for minerals only. They will remain closed to mining location, but open to mineral leasing.

DATE: Comments should be received by February 13, 1986.

ADDRESS: Comments should be sent to: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307-772-2089.

The Bureau of Reclamation proposes that the existing withdrawals made by Secretarial Orders of October 6, 1933, and October 13, 1933 be continued until February 8, 2038, pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Sixth Principal Meridian

T. 30 N., R. 82 W.,
Sec. 30, lots 10-15, and all other lands remaining in the SW¼;
Sec. 31, lots 5-8, NE¼NW¼, and all other lands remaining in the W½NW¼.
T. 29 N., R. 83 W.,
Sec. 2, lots 7, 8, and all other lands remaining in the N½SW¼;

Sec. 3, lots 5–11, and all other lands remaining in the SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 4, lots 5, 6, 10–15, 17, 18, and all other lands remaining in the S½NE¼, SE¼.
T. 30 N., R. 83 W.,
Sec. 23, lots 1–4, and all other lands remaining in the NE¼SW¼, N½SE¼, SE¼SE¼, E½NE¼;
Sec. 24, lots 3, 4, and all other lands remaining in the S½SW¼;
Sec. 25, lots 1–3, and all other lands remaining in the NE¼NW¼, S½SE¼;
Sec. 26, lots 1–4, NW¼NW¼, and all other lands remaining in the N½SW¼;
Sec. 27, lots 1–8, and all other lands remaining in the S½;
Sec. 33, lots 1,2;
Sec. 34, lots 1–3, and all other lands remaining in the NW¼NE¼, NE¼NW¼, and SW¼SW¼;
Sec. 35, lots 1–3, and all other lands remaining in the E½E½, SW¼NW¼, and SW¼SW¼.

The area described contains 2,518.63 acres in Natrona County.

The following are the lands with acquired surface and only the mineral estate withdrawn:

T. 30 N., R. 83 W.,
Sec. 23, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 26, W½NE¼, NE¼NW¼, NW¼SE¼;
Sec. 28, E½SE¼;
Sec. 33, E½NE¼;
Sec. 34, W½NW¼, SE¼NW¼, NW¼SW¼;
Sec. 35, W½E½, E½W½, NW¼SW¼.

The area described contains 1,000.00 acres in Natrona County.

The purpose of the withdrawal is to protect the facilities of the dam, powerplant, and appurtenant structures and improvements associated with the Kendrick Reclamation Project. The withdrawal segregates the lands from the operation of the public land laws generally, including the mining laws, but not the mineral leasing laws concerning the 2,518.63 acres. The remaining 1,000.00 acres, with only the mineral estate withdrawn, remains segregated from the operation of the mining laws, but not the mineral leasing laws.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawals may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination of the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Gerald L. Jessen,

Acting State Director.

[FR Doc. 85-27168 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-22-M

[W-97744]

Wyoming; Invitation for Coal Exploration License; AMAX Coal Co.

AMAX Coal Company hereby invities all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Campbell County, Wyoming:

T. 48 N., R. 71 W., 6th Prin Mer.
Sec. 19: SW¼
Containing 160.00 acres

All of the coal in the above land consists of unleased Federal coal within the Powder River Basin known coal leasing area. The purpose of the exploration program is to conduct an alluvial valley floor (AVF) study adjacent to Federal coal leases W-80954 (North Duck Nest) and W-78629 (South Duck Nest) to determine the significance of the potential AVF on these leases.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W-97744): Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003; and Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week in November 11, 1985, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and AMAX Coal Company no later than 30 days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: AMAX Coal Company, Attn: Steve Youngbauer, P.O. Box 3005, 1901 Energy Court, Gillette, Wyoming 82716, and the Bureau of Land Management, Wyoming State Office, Branch of Solid Minerals, P.O. 1828, Cheyenne, Wyoming 82001.

The foregoing is published in the **Federal Register** pursuant to Title 43 Code of Federal Regulations, § 3410.2-1(c)(1).

Robert A. Bennett,

Acting State Director.

[FR Doc. 85-27238 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-22-M

[I-21106]

Exchange of Public and Private Lands, Oneida Country, ID

The United States has issued an exchange conveyance document to H. Sanford Campbell and Rosalie B. Campbell, Logan, Utah 84321, for the following-described lands under section 206 of the Federal Land Policy and Management Act of 1976.

Bois Meridian, Idaho

T. 16 S., R. 30 E.,
Sec. 16, W½NE¼, SE¼.
Comprising 240 acres of public land.

In exchange for these lands, the United States acquired the following-described lands.

Boise Meridian, Idaho

T. 16 S., R. 30 E.,
Sec. 16, SW¼.
Comprising 160 acres of private land.

The purpose of this exchange was to acquire the non-Federal land which has high public value for wildlife and livestock grazing. The public interest was well served through completion of this exchange.

Date: November 5, 1985.

Orin B. Collier,

Acting Deputy State Director for Operations.

[FR Doc. 85-27282 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-GG-M

[N-42773]

Airport Lease Application; Nevada

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214) as amended by the Act of August 16, 1941 (55 Stat. 621), The Humboldt Hunting Club of King's River Valley, Nevada has applied for an airport lease on the following described public lands:

Mount Diablo Base & Meridian

T. 44 N., R. 34 E., Sec. 18, El/2W1/2; a strip of public land from the northern boundary along the east boundary of the above, 3000 ft. in length and 300 ft. wide.
Containing 20.66 acres more or less.

The area described above is located in Humboldt County, Nevada. The application was filed on October 15, 1985, and on that date, the lands were

segregated from all other forms of appropriation under the public land laws.

For a period of 45 days from the date of this notice, interested persons may submit their comments to the District Manager, Bureau of Land Management, Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada 89445.

Dated: October 29, 1985.

Frank C. Shields,

District Manager.

[FR Doc. 85-27237 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-HC-M

Shoshone District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Shoshone District Grazing Advisory Board.

DATE: Thursday, December 12, 1985 at 10:00 a.m.

ADDRESS: BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Jon Idso, ADM for Resources, Shoshone District Office, P.O. Box 2 B, Shoshone, Idaho 83352. Telephone (208) 886-2206 or FTS 554-6576.

SUPPLEMENTARY INFORMATION: The proposed agenda for the meeting includes the following item (1) Disposition of available Board funds should the Board not be rechartered after December 30, 1985.

The Shoshone District Grazing Advisory Board is established under Section 403 of the Federal Land Policy and Management Act, as amended. Operation and administration of the Board will be in accord with the Federal Advisory Committee Act of 1972 (Pub. L. 92-463; 5 U.S.C. Appendix 1) and Department of Interior regulations, including 43 CFR Part 1964.

The meeting will be open to the public. Anyone may present an oral statement between 10:00 a.m. and 11:00 a.m., or may file a written statement regarding matters on the agenda. Oral statements will be limited to ten minutes. Anyone wishing to make an oral statement should notify the Shoshone District Manager by December 11, 1985. Records of the meeting will be available in the Shoshone District Office for public inspection or copying within 30 days after the meeting.

Jon Idso,

Acting District Manager.

[FR Doc. 85-27239 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-GG-M

[ES-34777]

Realty Action; Direct Sale of Public Lands in Geneva County, AL

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public lands have been examined and found suitable for direct sale under Section 203 of the Federal Land Policy and Management Act of 1976, at no less than the appraised fair market value of $1,650. The lands will be offered for sale 60 days after the date of this notice.

St. Stephens Meridian

T. 2 N., R. 22 E., Section 13: That portion of the SE ¼ SE ¼, NE ¼ SE ¼ laying east of the Choctawhatchee River.

The area described aggregates approximately 11.00 acres, more or less.

The lands will be offered for direct sale to W. P. Stanley. The sale is consistent with the Bureau's planning system. The lands are not needed for any resource programs and are not suitable for management by the Bureau of Land Management or any other Federal department or agency. After consulting with Geneva County officials and members of the public, it has been determined that the public interest would best be served by offering the lands for public sale.

Conveyance of mineral interest will occur simultaneously with the sale of the lands. Acceptance of the direct sale offer will constitute an application for conveyance of those mineral interest at an additional cost of $50.

If the subject property is not purchased by Mr. Stanley within 90 days of this notice, the property will be available for purchase over the counter to any interested party at no less than the fair market value.

The patent will be subject to all valied existing rights.

Publication of this notice in the Federal Register segregates the public lands from all appropriation under the public land laws; but not the mineral leasing laws. This segregation will terminate upon issuance of patent, or 270 days from the date of this notice. Detailed information concerning the sale is available for review at the Jackson District Office, P.O. Box 11348, Jackson, Mississippi.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 11348, Jackson, MS 39213. Comments will be evaluated by the District Manager who may sustain, vacate, or modify this realty action. In the absence of any change, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Douglas Jones (601) 960-4405.

Robert E. Finney,

Acting District Manager.

[FR Doc. 85-27234 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-FP-M

Realty Action: Sale of Public Land in Mariposa and Calaveras Counties, CA; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: In the Federal Register Notice of October 9, 1985, (FR. Vol. 50, No. 196) beginning on page 41225, Serial No. CA 17864 should have read $22,500 for Fair Market Value not $22,100. On page 41226, second column, item 10, first sentence, should have read; "have been found to have *no* known mineral value . . ." Item 10(C), subject should have read *subsequent*. The fourth paragraph under 10(C) should have read CA 17867 encumbered by: CAMC 139101, CAMC 139103, CAMC 158277. In column 3, the fourth parapragh CA 17867 should have read CA 17869.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Folsom Resource Area, 63 Natoma Street, Folsom, CA 95630.

Dated: November 7, 1985.

David Harris,

Acting Area Manager.

[FR Doc. 85-27224 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-40-M

[Group 760]

California; Filing of Plat of Survey

November 6, 1985.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Amador County

T. 7 N., R. 11 E.

2. This plat, representing the dependent resurvey of a portion of the east and north boundaries, a portion of the subdivisional lines and certain mineral surveys, and the survey of the subdivision of sections 1, 2, 7, 12, 13, 14, 19, and 20, Township 7 North, Range 11 East, Mount Diablo Meridian, under Group No. 760, California, was accepted July 3, 1985.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 85-27235 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-40-M

[Group 875]

California; Filing of Plat of Survey

November 8, 1985.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California effective at 7:30 a.m., January 3, 1985:

San Bernardino Meridian, San Bernardino County

T. 1 S., R. 10 E.

2. This plat representing the dependent resurvey of a portion of the San Bernardino Base Line, south boundary, Township 1 North, Range 10 East, a portion of the west boundary and subdivisional lines, the survey to complete section 6, and the survey of the subdivision of section 6, Township 1 South, Range 10 East, San Bernardino Meridian, under Group No. 875, California, was accepted October 2, 1985.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 85-27297 Filed 11-14-85; 8:45 a.m.]

BILLING CODE 4310-40-M

[NM-0556601]]

Proposed Continuation of Withdrawal, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior proposes that a 3,306.065-acre withdrawal for the Bureau of land Management continue for an additional 20 years. The lands will remain closed to surface entry and mining and will remain open to mineral leasing.

DATE: Comments should be received by February 13, 1986.

FOR FURTHER INFORMATION CONTACT: Pauline T. Brown, BLM, New Mexico State Office, P.O. Box 1449, Santa Fe, NM 87504-1449, (505) 988-6326.

SUPPLEMENTARY INFORMATION: The Department of the Interior proposes that the existing land withdrawal made by Public Land Orders 4038 and 4208 of June 6, 1966 and April 28, 1967, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

New Mexico Principal Meridian

T. 13 S., R. 2 W.,
Sec. 35, NE¼NE¼.
T. 24 S., R. 2 W.,
Sec. 15, SE¼SE¼.
T. 12 S., R. 5 W.,
Sec. 10, SE¼;
Sec. 11, 14.
T. 16 S., R. 5 W.,
Sec. 27;
Sec. 28, E½;
Sec. 33, N½NE¼;
Sec. 34, N½;
Sec. 35, NW¼NW¼.
T. 12 S., R. 6 W.,
Sec. 3, NW¼SW¼.
T. 21 S., R. 6 W.,
Sec. 25, NW¼SE¼.
T. 25 S., R. 17 W.,
Sec. 33, NE¼NW¼.
T. 20 S., R. 18 W.,
Sec. 9, SE¼NE¼.
T. 13 S., R. 10 E.,
Sec. 18, Lots 1-6.
T. 23 S., R. 13 E.,
Sec. 21, SE¼NE¼.

The areas described aggregate 3,306.06 acres in Sierra, Dona Ana, Luna, Hidalgo, and Otero Counties.

The purpose of the withdrawal is for use in connection with the ecological plots and a demonstration area. The ecological plots are used primarily to study the relationships between the effects of cattle and rodent use of grazing lands. The plots are also used for comparison studies for rainfall and soil types within the grazing district. The demonstration area is used for erosion prevention sites and to show grazing allottees and other members of the public the effects of erosion control structures, seeding and noxious plant control methods.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the New Mexico State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: November 5, 1985.

Richard N. Wilson,

State Director.

[FR Doc. 85-27222 Filed 11-14-85; 8:45 am]

BILLING CODE 4310-FB-M

Minerals Management Service

Development Operations Coordination Document; Diamond Shamrock Exploration Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Diamond Shamrock Exploration Company has submitted a DOCD describing the activities it proposes to

conduct on Lease OCS–G 4383, Block 64, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on November 6, 1985. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: November 7, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–27161 Filed 11–14–85; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Howell Petroleum Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Howell Petroleum Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4909, Block 64, Main Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on November 4, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: November 7, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–27162 Filed 11–14–85; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD)

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4231, Block 181, Ship Shoal, Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on November 4, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: November 6, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–27220 Filed 11–14–85; 8:45 am]

BILLING CODE 4310–MR–N

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-262 Through 265 (Final)]

Iron Construction Castings From Brazil, Canada, India, and the People's Republic of China

AGENCY: United States International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigations Nos. 731-TA-262 through 265 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil, Canada, India, and the People's Republic of China of iron construction castings,[1] provided for in item 657.09 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in preliminary determinations, to be sold in the United States at less than fair value (LTFV). Unless the investigations are extended, Commerce will make its final LTFV determinations on or before January 6, 1986, and the Commission will make its final injury determinations by February 19, 1986 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: October 28, 1985.

FOR FURTHER INFORMATION CONTACT: Jim McClure (202-523-1793), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that imports of iron construction castings from Brazil, Canada, India, and the People's Republic of China are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigations were requested in a petition filed on May 13, 1985, by the Municipal Castings Fair Trade Council. In response to that petition the Commission conducted preliminary antidumping investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (50 FR 27499, July 3, 1985).

Participation in the Investigations

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff Report

A public version of the prehearing staff report in these investigations will be placed in the public record on December 23, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m. on January 16, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on January 6, 1986. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on January 9, 1986, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is January 10, 1986.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

The hearing in connection with these investigations will be held concurrently with the hearing to be held in connection with the Commission's countervailing duty investigation No. 701-TA-249 (Final) concerning heavy iron construction castings from Brazil.

Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on January 23, 1986. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before January 23, 1986.

A signed original and fourteen (14) copies of each submisson must be filed with the Secretary to the Commission in accordance with § 201.8 of the

[1] For purposes of these investigations, "iron construction castings" include manhole covers, rings, and frames, catch basin grates and frames, cleanout covers and frames used either for drainage or access purposes for public utility, water, and sanitary systems, and valve, service, and meter boxes. These articles must be of cast iron, not alloyed, and not malleable.

Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: November 12, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-27274 Filed 11-14-85; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. *Parent Company*
   Pitt-Des Moines, Inc., 3400 Grand Ave., Neville Island, Pittsburgh, Pa 15225
2. *Wholly Owned Subsidiaries* and *State of Incorporation*
   (i) Pittsburgh Des Moines Corporation, Pennsylvania
   (ii) PDM Strocal, Inc., Pennsylvania
   (iii) Hydrostorage, Inc., Tennessee

James H. Bayne,

Secretary.

[FR Doc. 85-27172 Filed 11-14-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-147)]

Chicago and North Western Transportation Co.; Abandonment; Sauk and Juneau Counties, WI; Findings

The Commission has found that the public convenience and necessity permit the Chicago and North Western Transportation Company to abandon its 34.2-mile line of railroad between milepost 191.9 near Reedsburg and milepost 212.6, and between milepost 196.2 and milepost 182.7 near Camp Douglas, in Sauk and Juneau Counties, WI.

A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with Commission and the applicant no later than 10 days from publication of this notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA" Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 85-27174 Filed 11-14-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-148)]

Seaboard System Railroad, Inc.; Abandonment; Duplin, Pender, and New Hanover Counties, NC; Findings

The Commission has issued a certificate authorizing Seaboard System Railroad, Inc. to abandon its 26.775-mile rail line between Wallace (milepost AC-208.395) and Castle Hayne (milepost AC-235.17) in Duplin, Pender, and New Hanover Counties, NC. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Secretary.

[FR Doc. 85-27175 Filed 11-14-85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30721]

Dakota Rail, Inc.; Petition for Exemption From 49 U.S.C. 10901, 10903, and 11301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from: (1) 49 U.S.C. 10901, the operation by Dakota Rail Inc. (DRI) or its wholly-owned subsidiary, NewCo, of a recently abandoned 43.66-mile line between Wayzata and Hutchinson, MN; (2) 49 U.S.C. 10903, and future discontinuance of the new operations; (3) 49 U.S.C. 11301, the issuance by NewCo of not more than 10,000 shares of common stock to DRI for not more than $50,000; and (4) 49 U.S.C. 11343, DRI's continuance in control of NewCo. The request by Minnesota Department of Natural Resources to apply 49 U.S.C. 10906 and 16 U.S.C. 1247(d) is dismissed.

DATES: The exemptions are effective on November 14, 1985. Petitions to reopen are due on December 4, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30721 to:.

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Peter A. Gilbertson, Weiner, McCaffrey, Brodsky & Kaplan, P.C., 1350 New York Avenue NW., Suite 800, Washington, DC 20005-4797.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: October 31, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85-27088 Filed 11-14-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-257X]

Sand Springs Railway Co.; Abandonment Exemption; Sand Springs, OK

Applicant, Sand Springs Railway Company (SSR) filed [1] a notice of exemption, under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*, to abandon its rail line (1) from Missouri-Kansas-Texas Railroad Company (MKT) milepost Z-271.68, westerly 2,860 feet, more or less, to a point 2,860 feet west of MKT milepost Z-271.68, or to the center line of a 96 inch concrete storm sewer located thereabout; and (2) from the east right-of-way line of Main Street, in Sand Springs, OK, westerly 1,310 feet to the end of the former MKT line.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic may be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective December 15, 1985, (unless stayed pending reconsideration). Petitions to stay must be filed by November 25, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by December 5, 1985 with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission must be sent to applicant's representative:

S. Douglas Dodd, 1000 Atlas Life Building, Tulsa, OK 74103.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: November 4, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-27346 Filed 11-14-85; 8:45 am]

BILLING CODE 7035-01-M

[1] On October 28, 1985, applicant amended its original notice of exemption that was filed on September 30, 1985; the former date is considered the "filing date" for the purpose of computing the time periods set forth above.

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Clean Air Act; Kewaunee Scientific Equipment Corp.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 29, 1985, a proposed consent decree in *United States* v. *Kewaunee Scientific Equipment Corporation*, Civil Action No. 84-CV-7298-AA, was lodged with the United States District Court for the Eastern District of Michigan. The proposed consent decree concerns the control of visible emissions of asbestos into the air during asbestos waste disposal operations at the Kewaunee Scientific Equipment Corporation plant in Adrian, Michigan. The proposed consent decree is based on a certification by the defendant that it is no longer using asbestos-containing materials at its facility and requires the defendant both to notify the United States Environmental Protection Agency ("EPA") and to implement an EPA-approved plan sufficient to eliminate all visable emissions of asbestos for any future asbestos-fabricating operation. Defendant will also pay a $10,000 civil penalty.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Kewaunee Scientific Equipment Corporation*, D.J. Ref. 90-5-2-1-684.

The proposed consent decree may be examined at the office of the United States Attorney, Eastern District of Michigan, 231 West Lafayette, Eighth Floor, Detroit, Michigan 48226, and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.10 (10 cents per page reproduction cost), payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division, Department of Justice.

[FR Doc. 85-27226 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; Data General Corp.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 28, 1985 a proposed consent decree in *United States* v. *Data General Corp.*, et al., Civil Action No. 85-634-L was lodged with the United States District Court for the District of New Hampshire. The proposed consent decree concerns the recovery of costs incurred by the United States, the State of New Hampshire, Rockingham County, and the Town of Epping in taking response actions, and to be incurred by the United States in undertaking remedial action under the Comprehensive Environmental Response, Compensation and Liability Act at a site along Route 101 in Epping, New Hampshire previously owned and operated by Keefe Environmental Services, Inc., and affiliated companies. Various waste products, including waste solvents and waste oil, were shipped to the site. The proposed consent decree requires the defendants to reimburse the United States, the State of New Hampshire, the County of Rockingham and the Town of Epping for the current response costs, as defined by the consent decree, incurred by each entity and the final remedial costs, and defined by the consent decree, incurred by the United States.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Data General Corp.*, et al., DJ Ref. 90-11-2-14.

The proposed consent decree may be examined at the office of the United States Attorney, District of New Hampshire, 55 Pleasant Street, Federal Courthouse, Concord, New Hampshire 03301, and at the Region I Office of the Environmental Protection Agency, John F. Kennedy Federal Building, Office of Regional Counsel, Boston, Mass. 02203. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $3.10 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-27227 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Proposed Consent Judgment Pursuant to the Clean Air Act; City of Lake Worth, FL

In accordance with departmental policy, 28 CFR 50.7, notice is hereby given that on October 31, 1985, a proposed Consent Judgment in *United States* v. *City of Lake Worth, Florida* was lodged with the United States District Court for the Southern District of Florida.

The proposed Consent Judgment requires the defendant to comply with section 203(a)(3)(B) of the Clear Air Act. The proposed Consent Judgment also requires the defendant to pay a civil penalty of $9,000 and to restore all emission controls to its vehicles, conduct an emission control course for its vehicle maintenance personnel, offer to the public free motor vehicle emission testing, and issue a memorandum to all police on compliance with emission control laws. The defendant is further required to pay a stipulated penalty of $6,000 for any failure to substantially comply with the substantive provisions of the Consent Judgment.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *City of Lake Worth, Florida*. D.J. No. 90-5-2-1-850.

The proposed Consent Judgment may be examined at the office of the United States Attorney, 155 South Miami Avenue, Miami, Florida 33130; and at the Environmental Protection Agency, Region IV, 345 Courtland Street, Atlanta, Georgia 30365; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Judgment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to the case, the case DJ number, and the Consent Judgment and enclose a check in the amount of $1.80 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-27229 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; A.J. MacKay Co.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 22, 1985 a proposed Consent Decree in *United States* v. *A.J. MacKay Company, et al.*, Civil Action No. 85-C-1193G was lodged with the United States District Court for the District of Utah. The proposed Consent Decree concerns violations of the National Emission Standard for Hazardous Air Pollutants ("NESHAPs") for asbestos, 40 CFR Part 61. The proposed Consent Decree requires defendants A.J. Mackay Company and Zions Security Corporation to comply with the provisions of the asbestos NESHAP and to pay a civil penalty of $30,000.00.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *A.J. MacKay Company, et al.* D.J. Ref. 90-5-2-1-784.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of Utah, Room 466, U.S. Post Office and Courthouse, 350 South Main Street, Salt Lake City, Utah 84101 and at the Region VIII, Office of the Environmental Protection Agency, 999 Eighteenth Street, Suite 1300, Denver, Colorado 80202-2413. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-27230 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; Georgia-Pacific Corp.

In accordance with Departmental policy, 28 CFR 50.7, Notice is hereby given that on September 20, 1985, a proposed Consent Decree in *United States* v. *Georgia-Pacific Corporation*, Civil Action Nos. 84-457-B and 85-136-B, was lodged with the United States District Court for the Middle District of Louisiana. The complaint filed by the United States alleged that the Georgia-Pacific Corporation violated the Clean Air Act and the Vinyl Chloride National Emission Standard for Hazardous Air Pollutants ("NESHAP") by discharging vinyl chloride from its ethylene dichloride/vinyl chloride and ("EDC/VCM") polyvinyl facilities in Plaquemine, Louisiana. At the time of filing of the initial complaint, Georgia-Pacific was the owner and operator of the EDC/VC and PVC plants in question. Georgia Gulf Corporation now owns and operates the plants and consequently intervened in the action to effectuate the injunctive relief sought by the United States under the Consent decree. The proposed Consent Decree requires compliance with the NESHAP for Vinyl Chloride and the Louisiana Emission Standards for Hazardous Air Pollutants ("LESHAPS") and sets forth a Remedial Action Plan which must be adhered to by Georgia Gulf to ensure compliance. The proposed Consent Decree also requires Georgia-Pacific to pay a civil penalty to the United States in the amount of $562,500.00 for violations of the NESHAP for Vinyl Chloride and an additional civil penalty to the State of Louisiana in the amount

of $62,500.00 for violations of the LESHAP for Vinyl Chloride.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and refer to *United States* v. *Georgia-Pacific Corporation*, D.J. Ref. 90-5-2-1-657.

The proposed Consent Decree may be examined at the office of the United States Attorney, Middle District of Louisiana, 352 Florida Street, Second Floor, Baton Rouge, Louisiana 70801 and at the Office of the Regional Counsel, Region VI, U.S. Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $4.20 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Divison.

[FR Doc. 85-27231 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Water Act; Kennecott Corp.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 21, 1985, a proposed consent decree in *United States* v. *Kennecott Corporation*, Civil Action No. 85-C-0923A, was lodged with the United States District Court for the District of Utah. The proposed decree imposes a civil penalty of ten thousand ($10,000) dollars upon Kennecott Corproation for its past discharges without a Clean Water Act permit, and requires it to implement a long-range surface water management program to maintain compliance with its Clean Water Act discharge permit issued July 19, 1984.

The Department of Justice will receive for a period of thirty(30) days from the date of publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Kennecott Corporation* D.J. Ref. 90-5-1-1-2269.

The proposed consent decree may be examined at the Office of the United States Attorney, 200 U.S. Post Office and Courthouse, 350 South Main Street, Salt Lake City, Utah 84101, and at the Region VIII Office of Environmental Protection Agency, 999 18th Street, One Denver Place, Denver, Colorado 80202-2413, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.80 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-27232 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; Rouge Steel Co. and the Ford Motor Co.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 28, 1985, a proposed Consent Decree Amendment in *United States* v. *Rouge Steel Company and the Ford Motor Company*, Civil Action No. 81-70398 was lodged with the United States District Court for the Eastern District of Michigan. The proposed Consent Decree Amendment resolves violations of prior court orders at Rouge Steel's coke oven batteries in Dearborn, Michigan. The Amendment provides for the shutdown of two of the Defendant's coke oven batteries, a program of improved maintenance and operations practices at the remaining batteries, and the payment of $198,000 in penalties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree Amendment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *U.S.* v. *Rouge Steel Company and the Ford Motor Company*, D.J. Ref. No. 90-5-2-1-141B.

The proposed Consent Decree Amendment may be examined at the office of the United States Attorney for the Eastern District of Michigan, 817 Federal Building, 231 W. Lafayette, Detroit, Michigan, 48226, and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604. Copies of the Consent Decree Amendment may be examined in person at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree Amendment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Washington, DC 20530.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-27233 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act ("RCRA"); SCA Chemical Services, Inc.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19019, notice is hereby given that a consent decree in *United States* v. *SCA Chemical Services, Inc.*, Civil Action No. 83-1344-C, has been lodged with the United States District Court for the Western District of New York. The consent decree establishes a compliance program for the treatment, storage and disposal facility owned and operated by SCA Chemical Services, Inc. in Model City, New York, to bring this facility into compliance with Subtitle C of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6921-6934 and its implementing regulations, and requires payment of a civil penalty.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *SCA Chemical Services, Inc.*, D.J. Ref. No. 90-7-1-110.

The consent decree may be examined at the office of the United States Attorney, Western District of New York,

502 U.S. Courthouse, Court and Franklin Streets, Buffalo, New York 14202; at the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.10 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-27228 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

National Cooperative Research Act of 1984; Portland Cement Association

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98-462 ("the Act"), the Portland Cement Association ("PCA") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership. Specifically, Arkansas Cement Corporation has been acquired by Ash Grove Cement Company and will no longer conduct business nor hold PCA membership under the name of Arkansas Cement Corporation. In addition, Bendy Engineering, M.K./H/K. Ferguson has resigned as a "Participating Associate" of the Manufacturing Subcommittee of the PCA General Technical Committee. At present the members of the PCA are:

Aetna Cement Coproration
Alaska Basic Industries
Ash Grove Cement Company
Ash Grove Cement West, Inc.
Blue Circle Atlantic
Blue Circle Inc.
CalMat Co.
Capitol Aggregates, Inc.
Dragon Products Company
General Portland Inc.
Genstar Cement Company
Gifford-Hill & Company, Inc.
Ideal Basic Industries, Cement Division
Independent Cement Corporation
Lehigh Portland Cement Company
Lone Star Industries, Inc.
The Monarch Cement Company
Moore McCormack Cement, Inc.
Northwestern States Portland Cement Co.
Rinker Portland Cement Corp.
Rochester Portland Cement Corp.
St. Marys Peerless Cement Co.
St. Marys Wisconsin Cement Inc.
The South Dakota Cement Plant
Southwestern Portland Cement Co.
Canada Cement Lafarge Ltd.
Ciment Quebec,Inc.
Federal White Cement Ltd.
Genstar Cement Limited
Lake Ontario Cement Limited
Miron Inc.
North Star Cement Limited
St. Lawrence Cement Inc.
St. Marys Cement Limited

In addition, the following equipment suppliers are involved as "Participating Associates," together with PCA members, in the activities of the Manufacturing Process Subcommittee of PCA's General Technical Committee:

Holderbank Consulting, Ltd.
Humboldt Wedag Company
Centennial Engineering, Inc.
Allis-Chalmers Corp.
F.L. Smidth and Company
Claudius Peters, Inc.
Polysius Corp.
The Fuller Company

The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. The original notification, identifying the original parties to the venture and describing in general terms the area of planned activities of the venture, is published at 50 FR 5015 (1985).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-27155 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Act of 1984; Pump Research and Development Committee

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98-462 ("the Act"), the Pump Research and Development Committee ("PRADCO") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to PRADCO and (2) the nature and objectives of PRADCO. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identifies of the parties to PRADCO, and its general areas of planned activities, are given below.

PRADCO is a partnership consisting of the following parties:

- Borg-Warner Industrial Products, Inc., a Delaware corporation;
- Ingersoll-Rand Company, a New Jersey corporation;
- Dresser Industries, Inc., a Delaware corporation; and
- Transamerica Delaval, Inc., a Delaware corporation.

The purpose of PRADCO is to conduct general research into the reliability and efficiency of centrifugal pumps. Pumps of this type are typically used by electric utility companies in the generation of electric power. The goal of the research is to discover information that will improve the operating reliability and efficiency of centrifugal pumps.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-27156 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Importer of Controlled Substances; Penick Corp.; Registration

By Notice dated August 14, 1985, and published in the **Federal Register** on August 22, 1985; (50 FR 34026), Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw Opium (9600)	II
Opium Plant Form (9650)	II
Concentrate of Poppy Straw (9670)	II

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, § 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: October 29, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 85-27208 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Du Pont Pharmaceuticals; Application

Pursuant to § 1301.43(a) of Title 21 of Code of Federal Regulations (CFR), this is notice that on August 29, 1985, E. I. Du

Pont De Nemours and Company, Inc. D/B/A. Du Pont Pharmaceuticals, Pharmaceuticals Chemical Facility, Chamber Works Building J-24, Deepwater, New Jersey 08023, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Oxycodone (9143)	II
Hydrocodone (9193)	II
Oxymorphone (9652)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than December 16, 1985.

Dated: October 29, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 85-27206 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Ciba-Geigy Corp.; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 7, 1985, Pharmaceuticals Division, Ciba-Geigy Corporation Attention: Regulatory Compliance, 556 Morris Avenue, Summit, New Jersey 07901, made applications to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Methylphenidate (1724).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than December 16, 1985.

Dated: October 29, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 85-27207 Filed 11-14-85; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-85-148-C]

K&M Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

K and M Coal Company, Box 625, Tracy City, Tennessee 37387 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 28 Mine (I.D. No. 40-01586) located in Sequatchie County, Tennessee. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable; and

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 16, 1985. Copies of the petition are available for inspection at that address.

Dated: November 7, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-27293 Filed 11-14-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-85-155-C]

National Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

National Mines Corporation, P.O. Box 12022, Lexington, Kentucky 40579 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Stinson No. 1 Mine (I.D. No. 15-02613) and its Stinson No. 3 Mine (I.D. No. 15-02615) both located in Knott County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be

installed on the mine's electric face equipment.

2. The Stinson No. 1 and No. 3 mines are in the Elkhorn No. 3 Seam ranging from 40 to 58 inches in height, with undulations in the mine floor.

3. Petitioner states that the use of a canopy on the mine's electric face equipment would result in a diminution of safety to the miners affected because the canopy could strike the roof and roof bolts. In addition, the canopy would cause the operator's seating to be cramped resulting in fatigue and would limit his or her visibility.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 16, 1985. Copies of the petition are available for inspection at that address.

Dated: November 7, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-27294 Filed 11-14-85; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

New Directions Training and Education Grants

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of grant program.

SUMMARY: The Occupational Safety and Health Administration is entering the eighth year of its national grant program for the development of institutional competence in nonprofit organizations for providing job safety and health training and education to employers and employees. This notice describes the scope and objectives of the grant program, and provides information on how to obtain a grant application. Applications should not be submitted without first obtaining the detailed grant application mentioned later in this notice.

Authority for providing for job safety and health training programs and related assistance for employers and employees may be found in section 21(b) and 21(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670) and in Executive Order 12196 "Occupational Safety and Health Programs for Federal Employees."

DATE: Application packages must be received by February 3, 1986.

ADDRESSES: Grant applications must be submitted to the OSHA Regional Office for the state in which the applicant is located. A complete listing of Regional Offices can be found in the addendum at the end of the supplementary information section of this notice.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N3637, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Background

From 1971 to 1978 OSHA conducted numerous projects to improve the ability of employers and employees to recognize, avoid, and control safety and health hazards. Special training programs were conducted for small and medium sized businesses, high hazard industries, leaders of organized labor, supervisors, apprentices, and others. The OSHA experience with these programs indicates that one of the most practical means of assuring that employers and employees acquire the ability to recognize, avoid, and control hazards is to build the competence of key organizations to provide occupational safety and health services to those in the workplace.

As a result, in 1978 OSHA announced a program, known as New Directions, to increase the number of labor, business, educational, and other nonprofit organizations having the internal capability of providing, on a continuing and self-sufficient basis, comprehensive and effective occupational safety and health training, education, and services to employers and employees. Over 180 grants have been awarded to such organizations for planning and developing their occupational safety and health programs. Grant recipients use these funds to identify serious occupational safety and health problems and design strategies to resolve them, with emphasis on training and education as a means of achieving abatement of safety and health hazards in the workplace.

Scope

In continuing the New Directions program, OSHA has determined that it is in the best interest of its Agency objectives to award new grants to organizations which have the capability of addressing recognized unmet needs for safety and health education in the workplace. Grants will be awarded to applicant organizations which propose to develop occupational safety and health training and education programs which address hazard identification, recognition, and abatement in one or more of the following areas:

1. Chemical industry.
2. Chemical and toxic substances.
3. Hazardous waste sites.
4. New OSHA standards.

Goals

The goals of the New Directions grant program are as follows:

1. *Institutional Competency.* The development of a recipient organization's internal capability to provide a range of training, education, and related services necessary to address the occupational safety and health problems of the recipient's target population.

2. *Self-sufficiency.* The ability of a recipient organization to continue providing a range of workplace safety and health activities and services once its developmental plan, and, therefore, OSHA funding, is completed.

3. *Abatement of Hazards.* The promotion of organizational and operational changes in the workplace, through training and educational activities, which achieve improved safety and health conditions.

Activities To Be Supported

A range of activities related to occupational safety and health training and education will be supported under the grant program. Activities may include, but need not be limited to, the following:

1. Identifying serious occupational health problems caused by chemical and toxic substances in the workplace and designing strategies to resolve them;

2. Training in hazard identification, recognition and control, including toxicology and engineering design;

3. Developing training materials and educational publications regarding safety and health issues;

4. Developing and implementing emergency response procedures, including training employers and employees in these procedures;

5. Developing self-inspection plans for specific industries whch are designed to identify and abate hazards, and training employers and employees in these inspection processes;

6. Assisting employers and employees in hazard recognition and control in specific workplaces;

7. Designing and implementing programs to promote effective hazard abatement and control in the workplace; and

8. Resolving unique or unusually difficult occupational safety and health problems.

Nonsupportable Activities

While all efforts to eliminate deaths, injuries, and illnesses in the workplace are encouraged, statutory and regulatory limitations, as well as the objectives of the grant program, prevent reimbursement for certain activities under these grants. These limitations include:

1. Any activities inconsistent with the goals and objectives of the Occupational Safety and Health Act of 1970.

2. Activities involving workplaces that are largely precluded from enforcement action by the Occupational Safety and Health Administration under section 4(b)(1) of the Act.

3. Activities for the benefit of State, county, or municipal employees except those who may be considered to have occupational safety and health responsibilities. Examples of safety and health responsibilities include: occupational safety and health training; safety and health program management; membership on an employer, union, or joint safety and health committee; and recognizing, reporting, or abating unsafe and unhealthful workplace conditions.

4. Development of academic curricula for the education of occupational safety and health professionals or support personnel.

5. Activities which support degree programs, safety and health certificate programs, or extended academic programs designed to provide professional level credentials. This does not preclude the award of certificates to individuals completing a class.

6. Production, publication, or reproduction of training and educational materials, including programs of instruction, which have not been approved by OSHA.

7. Publication of newsletters.

8. Lobbying.

9. Training and other educational activities that do not address the recognition, avoidance, and prevention of unsafe or unhealthful working conditions. Examples including activities concerning workers' compensation, first aid, and abused substances, and publication of materials prejudicial to labor or management.

10. Activities which provide assistance to employees in arbitration cases or other actions against employers, or which provide assistance to employers and/or employees in the prosecution of claims against Federal, State or local governments.

11. Research activities in the physical, engineering, or health sciences which do not complement the training and education of employers and/or employees in hazard recognition and control in the workplace.

12. Medical screening or any other research or experimentation involving human subjects as part of the grant program unless provisions have been made for full, regular, and ongoing consideration of the rights and welfare of subjects and for the protection of subjects from undue risk of physical, psychological, or social injury. These provisions and plans for conducting the project must be approved by the OSHA Regional Administrator prior to beginning the project.

13. Activities which directly duplicate services offered by OSHA, a State under a State plan, consultation programs provided by State designated agencies under sections 7(c)(1) or 23(g) of the Act, or other grantees.

14. Activities directly or indirectly intended to generate membership in the grant recipient's organization.

Eligible Applicants

Nonprofit organizations which are labor organizations or employer associations are eligible to apply for grants.

Catregory I. Labor organizations. Organizations listed in accordance with the requirements of the Labor-Management Disclosure Act of 1959, as amended, or Chapter 71 of the United States Code, as amended by the Civil Service Reform Act of 1978, or State or local central labor bodies are eligible to apply. Field components of these organizations are eligible with the concurrence of their national organization. Although all components of labor organizations are eligible to apply, limited resources available for the program make it unlikely that a grant will be awarded to a field component of a labor organization if the national component of the same labor organization has been awarded a grant.

Category II. Employer associations. These are organizations which have a membership consisting of employers and/or represenatives of employers. An employer is a person engaged in business affecting commerce who has employees.

Consortia. A combination of two or more nonprofit organizations may apply jointly and share grant resources in the interest of serving broader populations or broader occupational safety and health problems than each organization could serve alone. A consortium must be designed to contribute to the development of a center of competence in the field of occupational safety and health. Consortia formed primarily for coordination or communication purposes, rather than for building centers of competence, are discouraged.

A consortium must have a labor organization or an employer association as a member. A labor organization or employer association member of the consortium must assume responsibility for submitting the overall proposal and administering the grant. The director of the proposed consortium project must be an employee of the administering institution. When evaluating progress in meeting grant objectives, OSHA will focus primarily on the achievement of institutional competency, self-sufficiency, and abatement of hazards by the administering institution. Agreements to participate in the consortium by organizations other than the administering institution shall be documented in the application. In addition to explaining the advantages of the proposed consortium, the proposal shall describe explicitly the role of each participating organization and its portion of the proposed program, and demonstrate how each organization's participation will improve the probability of success of the total program.

Labor-management consortia are encouraged to apply.

Types of Awards

Two types of grant awards may be made under the New Directions program: (1) Planning grants and (2) developmental grants.

Planning Grants. Planning grants are intended to assist organizations which are able to demonstrate potential for meeting the objectives of this program, but which must assess capabilities, needs, and priorities, and formulate objectives before moving ahead with full-scale program development and implementation. Planning grant recipients will be funded for not more than one year. Upon successful completion of its one year planning activities, a recipient may apply for a developmental grant. Although most recipients of planning grants will initiate limited program operations during the planning period, these operations should be small-scale or pilot projects complementing the recipient's planning activities.

Developmental Grants. where an organization through its past activities

has established a capability to provide occupational safety or health training and education, but where continuing developmental activities are appropriate, the organization may propose a developmental program. Although grant recipients generally will be capable of immediate implementation of some educational activities, the grants are not intended to merely fund existing program operations, but rather to assist the organizations in developing centers of occupational safety and health expertise within the scope of this announcement. To be awarded a grant, an organization must prepare a plan which sets forth the steps necessary for developing institutional competency and achieving self-sufficiency within a realistic and reasonable time frame, generally three to five years. Grants will be awarded for a twelve month period, with annual renewal during the developmental period subject to OSHA priorities, the availability of funds, a determination that the project is achieving its approved objectives on a timely basis, and recipient submission of copies of all training and educational materials developed under the grant to OSHA.

Evaluation Process and Criteria

Applications for grants solicited in this announcement will be evaluated on a competitive basis by the Assistant Secretary with assistance and advice from OSHA experts.

The following factors, not raned in order of importance, will be considered in evaluating grant applications.

1. Program Impact

a. The potential contribution of the project toward the identification, recognition, and abatement of occupational safety and health hazards in one or more of the following areas:

i. Chemical industry;

ii. Chemical and toxic substances;

iii. Hazardous waste sites; and

iv. Workplaces covered by new OSHA standards.

b. The identification of a target population of employers and/or employees who will receive training and education in hazard identification, recognition, and abatement in the designated area(s).

c. The responsiveness of the project to the scope of this announcement, as indicated by an identification and analysis of the needs and problems to be addressed. This may include data demonstating that the project will serve industries and workplaces in which employees are exposed to one or more substances constituting serious health hazards, or industries with injury and illness incidence and severity rates above the national average.

d. The need for services in the area proposed, the lack of availability of comparable services from other sources, and the relevance of proposed services to identified needs.

e. The potential for serving a larger universe, as indicated by loans for:

i. Serving employers and employees who then will have the capability to serve other employers and employees.

ii. Assisting other organizations in developing occupational safety and health training and related services through such means as providing training materials, technical assistance, demonstration educational programs, and instructor training. Examples include national labor unions assisting district and local unions and employer associations assisting individual employers.

2. Program Design

a. The extent to which services will be provided directly by the grant recipient through its own employees and resources. For consortium applicants, the administering institution is the grant recipient. Contractual arrangements for the provision of services must be shown to be consistent with the objective of self-sufficiency.

b. for developmental grant applications:

i. The extent to which the program will lead to the achievement of institutional competency, self-sufficiency, and the abatement of hazards.

ii. The extent to which the design and content of training and education activities will be appropriate for the target population.

c. For planning grant applications:

i. The appropriateness of identified safety and health issues to be surveyed.

ii. The soundness of the approach to be used in developing and implementing an assessment methodology.

iii. The plans for the design and development of one or more pilot training or educational projects to test the results of the assessment.

3. Program Experience

a. Evidence of the organization's performance and effectiveness in planning, implementing, and operating training and education in the proposed or related areas. Experience in conducting employer or employee occupational safety and health education programs, experience in providing technical assistance, or involvement in related occupational safety and health activities will be considered relevant. In the absence of such experience, information will be considered about other activities designed specifically for employers or employees that may indicate potential effectiveness in providing the services proposed. For consortium applications, the experience of the administering institution will be evaluated.

b. The technical and professional expertise and training of present or proposed project staff in relation to services to be provided. Expertise of an organization's present or proposed staff in the delivery of occupational safety and health training and education to target populations will be measured by resumes, minimum qualifications for hiring, and position descriptions.

4. Administrative Capability

a. The managerial expertise of the organization, as evidenced by the variety and complexity of current and/or recent programs it has administered. For consortium applications, the expertise of the administering institution will be evaluated.

b. The financial management capability of the organization, as evidenced by a recent report from an independent audit firm or a recent report from another independent organization qualified to render judgment concerning the soundness of the organization's financial practices. In the absence of such reports, the organization may provide information which demonstrates that it is capable of meeting the financial management standards set forth in 41 CFR Part 29–70, section 207–2. For consortium applications, capability of the administering institution will be evaluated.

c. The reasonableness of the budget in relation to the proposed program activities.

d. The feasibility and soundness of the proposed work plan in achieving the program objectives effectively.

e. The strength of the organization's evaluation plan and the methodology for measuring achievement of program objectives.

5. Matching Share

The amount of an organization's contribution relative to the total budget and the degree to which an organization will assume an increasing share of funding for the proposed program.

a. Programs may be funded up to 100 percent of costs under a planning grant.

b. Developmental grants require recipients to provide a matching share. During the developmental period it is expected that organizations will become increasingly independent of Federal

funding. One element of a developmental grant is the recipient's assumption of full funding of the grant salaries of one or more key project staff by the end of the second grant year. Another element is an annual increase in the recipient's matching share, with a corresponding reduction in Federal funding, with the result that the program is independent of Federal funding by the time self-sufficiency is achieved. OSHA will evaluate the cash contribution to a recipient's matching share, rather than the in-kind contribution. The minimum requirement is that 15 percent of the recipient's matching share be a cash contribution in the first year. This must increase each succeeding year, resulting in contributions of approximately 20 percent the second year, 33 percent the third year, 50 percent the fourth year, and 75 percent the fifth year. The Assistant Secretary reserves that right to grant exceptions to cash contribution requirements in the interest of furthering OSHA objectives.

In addition to the preceding factors, the Assistant Secretary will consider other factors such as the overall geographical distribution and coverage of populations at risk that will be achieved by the proposals approved for funding.

Notification of Selection

The Assistant Secretary will notify in writing those organizations selected as potentil grant recipients. An applicant whose proposal is not selected will also be notified in writing to that effect. Notice of selection as a potential grant recipient will not constitute approval of the total funding request or of the funding level sought. Prior to the actual award of a grant, representatives of the potential grant recipient and representatives of the Assistant Secretary will enter into negotiation. Items subject to negotiation will include: Program components; funding levels; program performance levels and standards; and administrative systems. If the negotitions do not result in an acceptable negotiated grant, the Assistant Secretary reserves the right to terminate the negotiation and decline to fund the proposal.

Availability of Funds

This announcement does not constitute an obligation to support this program in any fiscal year. Subject to congressional appropriation, $3.9 million will be available in fiscal year 1986 for the New Directions program. It will be used for funding current grants, as well as for the award of new grants described in this announcement.

The maximum funding level for a one year planning grant will be $50,000. There is no set maximum for developmental grants, but organizations applying for developmental funding should consider reasonableness and the limited availability of funds when preparing their budget requests. An organization is eligible for one grant under this program.

Application and Award

Those organizations that meet the eligibility requirements described above and that are interested in conducting project activities as described, may request a grant application package from the OSHA Regional Administrator responsible for the State in which the organization is located. A list of the names, addresses, and geographic areas of responsibility of the Regional Administrators is in the addendum to this notice.

This grant program will be administered in compliance with 41 CFR Part 29-70 and OMB Circulars A-110 and A-122, as they relate to functions such as: the use of funds; the operation of programs; the maintenance of records, books, accounts, and other documents; and financial and program reporting to OSHA.

All applications must be received no later than 5 p.m., February 3, 1986.

Signed at Washington, DC, this 12th day of November, 1985.

Patrick R. Tyson,

Acting Assistant Secretary of Labor.

Addendum

Region I

Donald E. MacKenzie, Regional Administrator, US Department of Labor—OSHA, 16-18 North Street, 1 Dock Square Building—4th Floor, Boston, Massachusetts 02109—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Region II

Gerald P. Reidy, Regional Administrator, US Department of Labor—OSHA, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036—New Jersey, New York, Puerto Rico, Virgin Islands

Region III

Linda R. Anku, Regional Administrator, US Department of Labor—OSHA, Gateway Building, Suite 2100, 3535 Market Street, Philadelphia, Pennsylvania 19104—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

Region IV

Alan C. McMillan, Regional Administrator, US Department of Labor—OSHA, 1375 Peachtree Street NE., Suite 587, Atlanta, Georgia 30367—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Region V

Frank L. Strasheim, Regional Administrator, US Department of Labor—OSHA, 230 South Dearborn Street, Room 3244, Chicago, Illinois 60604—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Region VI

Gilbert J. Saulter, Regional Administrator, US Department of Labor—OSHA, 555 Griffin Street, Room 602, Dallas, Texas 75202—Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Region VII

Roger A. Clark, Regional Administrator, US Department of Labor—OSHA, 911 Walnut Street, Room 406, Kansas City, Missouri 64106—Iowa, Kansas, Missouri, Nebraska

Region VIII

Byron R. Chadwick, Regional Administrator, US Department of Labor—OSHA, Federal Building, Room 1554, 1961 Stout Street, Denver, Colorado 80294—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Region IX

Russell B. Swanson, Regional Administrator, US Department of Labor—OSHA, 450 Golden Gate Avenue, Room 11349, Post Office Box 36017, San Francisco, California 94102—American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands

Region X

James W. Lake, Regional Administrator, US Department of Labor—OSHA, Federal Office Building, Room 6003, 909 First Avenue, Seattle, Washington 98174—Alaska, Idaho, Oregon, Washington.

[FR Doc. 85-27169 Filed 11-14-85; 8:45 am]
BILLING CODE 4510-26-M

Puerto Rico State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of

1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafer called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 30, 1977, notice was published in the **Federal Register** (42 FR 43628) of the approval of the Puerto Rico plan and the adoption of Subpart FF to Part 1952 containing the decision.

The Puerto Rico plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standards changes, the State has submitted on June 7, 1985, and incorporated as part of the plan, State standards comparable to the Occupational Safety and Health Administration standards for Ethylene Oxide, Amendments to 29 CFR 1910.19, 1910.1000 and 1910.1047, as published in the **Federal Register** (49 FR 25796) dated June 22, 1984. These standards which are contained in the Puerto Rico Regulations, Number Four (equivalent to 29 CFR Part 1910) were promulgated by resolutions adopted by the Puerto Rico Department of Labor and Human Resources on November 28, 1984, pursuant to the Puerto Rico Act Number 16 and Chapter 52 of the Puerto Rico Rules and Regulations Act of 1958.

The State has submitted by letter dated August 27, 1985, and incorporated as part of the plan, State standards comparable to the Occupational Safety and Health Administration standards for Educational and Scientific Diving; Final Guidelines; Supplemental Statement of Reasons, 29 CFR 1910.401(a)(2)(iv), as published in the **Federal Register** (50 FR 1046) dated January 9, 1985. These standards which are contained in the Puerto Rico Rules and Regulations, Number Four (equivalent to 29 CFR Part 1910) were promulgated by resolution adopted by the Puerto Rico Department of Labor and Human Resources on May 7 1985, pursuant to the Puerto Rico Act Number 16 and Chapter 52 of the Puerto Rico Rules and Regulations Act of 1958.

The State has submitted by letter dated September 3, 1985, and incorporated as part of the plan, State standards comparable to the Occupational Safety and Health Administration standards for Power Lawnmowers; Amendments; 29 CFR 1910.243 as published in the **Federal Register** (50 FR 4649) dated February 1, 1985. These standards which are contained in the Puerto Rico Rules and Regulations, Number Four (equivalent to 29 CFR Part 1910) were promulgated by resolution adopted by the Puerto Rico Department of Labor and Human Resources on June 6, 1985, pursuant to the Puerto Rico Act Number 16 and Chapter 52 of the Puerto Rico Rules and Regulations Act of 1958.

2. *Decision.* Having reviewed the State submissions in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York, 10036; Puerto Rico Department of Labor and Human Resources, Prudencio Rivera Martinez Bldg., Munoz Rivera Avenue 505, Hato Rey, Puerto Rico 00917; and the Office of the Director for Federal-State Operations, Room N3700, 200 Constitution Avenue, NW., Washington, D.C. 20210

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Puerto Rico State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State Law and further participation would be necessary.

The decision is effective November 15, 1985.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (20 U.S.C. 667)).

Signed at New York City, New York, this twenty-third of September 1985.

Gerald P. Reidy,

Regional Administrator.

[FR Doc. 27295 Filed 11-14-85; 8:45 am]

BILLING CODE 4510-26-M

Virgin Islands Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1973, notice was published in the **Federal Register** (38 FR 24896) of the approval of the Virgin Islands plan and adoption of Subpart S to Part 1952 containing the decision.

The Virgin Islands plan provides for the adoption of Federal standards as Virgin Islands standards by reference. The authority to adopt such standards is contained in Title 3, Section 940, of the Virgin Islands Code.

In response to Federal standards changes, the State has submitted supplements, and incorporated as part of the plan, State certification documenting promulgation of State standards comparable to Revocation of Advisory and Repetitive Standards; Final rule, 29 CFR Part 1910, as published in the **Federal Register** (49 FR 5318) dated February 10, 1984, and Power Lawnmowers; Amendment to 29 CFR 1910.243 as published in the **Federal Register** (50 FR 4648) dated February 1, 1985.

These standards which are contained in the Virgin Islands Rules and Regulations 24 V.I.R.R. 36(b)1 were promulgated by resolution adopted by the Virgin Islands Department of Labor on July 24, 1985 pursuant to Title 24, Virgin Islands Code, Section 36(b).

2. *Decision.* Having reviewed the Virgin Islands Regulations providing for the adoption of Federal standards by reference, it has been determined that Virgin Islands Regulations are identical to Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the

standards supplement, along with the approved plan, may be inspected and copied during the normal business hours at the following locations: Office of the Regional Administrator, Region II, 1515 Broadway, Room 3445, New York, New York 10036; Office of the Director for Federal-State Operations, Room N3700, 200 Constitution Avenue NW., Washington, DC, 20210; Department of Labor, Government of the Virgin Islands, Dronigans Gade, Charlotte Amalie, St. Thomas, V.I. 00801, and at Hospital Street, Christiansted, St. Croix, V.I. 00820.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virgin Islands plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal Law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State Law and further participation would be unnecessary.

The decision is effective November 15, 1985.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608) (29 U.S.C. 667)

Signed at New York City, New York, this twenty-third day of September 1985.

Gerald P. Reidy,

Regional Administrator.

[FR Doc. 85-27296 Filed 11-14-85; 8:45 am]

BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

[Application No. D-4559 et al.]

Proposed Exemptions; Andron, Cechettini & Associates, Inc., et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notice of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Andron, Cechettini & Associates, Inc. Located in Lafayette, California

[Application No. D-4559]

Exemption

Section I. Exemption for Certain Transactions Involving the Purchase of Interests in AC Investors (the Partnership)

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the purchase of interests in the Partnership by employee benefit plans (Participating Plans), if the general conditions set forth in Section II are met, and if:

1. Each purchase of interests in the Partnership by a Participating Plan is authorized in writing by a fiduciary (the Independent Fiduciary) of each Participating Plan who is independent of the Applicants [1] and their affiliates.[2] If such Independent Fiduciary directs that assets then under management by any of the Applicants be invested in the Partnership, such written authorization by the Independent Fiduciary shall specify such fact and the manner in which such assets shall be transferred to the Partnership.

2. The following persons may not acquire or hold any securities of any company whose securities the Partnership holds (provided, however, that the restrictions contained in this subsection shall not apply to the acquisition of such securities by any venture capital company that is controlled by or managed by Covered Persons as defined below and that is subject to the allocation formula described in section 7 of the Summary of Facts and Representations contained in the Proposed Exemption):

(a) The Applicants and officers, directors and general partners of the Applicants.

(b) Affiliates of AC Investors, AC Associates, Mr. Andron and Mr. Cechettini. ("Covered Persons".)

3. The terms and conditions of the partnership agreement (the Partnership Agreement) at the formation of the Partnership and at the time of any purchase of an interest covered by this exemption shall be no less favorable to the Participating Plans than the terms and conditions available in arm's-length transactions between unrelated parties.

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[1] The Applicants are AC Associates, Andron, Cechettini & Associates, Inc., Jonathan Andron, and Ralph Cechettini.

[2] All future references to the Applicants will also include affiliates of the Applicants.

4. Prior to accepting any investment of assets in the Partnership by a Participating Plan, the Applicants shall furnish or cause to be furnished to each Independent Fiduciary authorizing such investment a copy of this exemption, the Partnership Agreement, a private placement memorandum which describes the respective rights of the general and limited partners to distributions and capital appreciation, services to be performed by the general partner and the compensation payable therefor, all other material rights and obligations of the partners, and such other information as requested by the Independent Fiduciary.

5. A Participating Plan shall not, after the date of investment of Plan assets in the Partnership, pay to any of the Applicants a separate investment management fee or similar fee with respect to the Participating Plan's assets invested in the Partnership.[3] If a Participating Plan invests in the Partnership during any period for which the Plan has prepaid to any of the Applicants an investment management or similar fee, the amount of such fee will be returned to the Participating Plan. This condition shall not preclude payment by the Partnership to any of the Applicants of expenses and allocations provided in the Partnership Agreement.

6. No sales commissions or similar fees will be charged by the Applicants to any Participating Plan with respect to its investment in the Partnership. No redemption fee or other panalty shall be charged by the Applicants to any Participating Plan which transfers all or a portion of its Partnership interest as permitted by the Partnership Agreement, except that a Participating Plan must compensate the Partnership for reasonable fees and expenses incurred by the Partnership in its efforts to locate a suitable purchaser for the Participating Plan's Partnership interest.

7. The Partnership Agreement will require that limited partners receive audited annual financial statements with respect to the Partnership as well as such other information as the limited partner (or a Participating Plan's Independent Fiduciary) may reasonably request concerning the operations and investments of the Partnership.

8. No Participating Plan may invest more than 10% of its assets in the Partnership.

[3] This condition shall not preclude the payment by the Participating Plans to the Applicants of investment management or other fees with respect to assets not invested in the Partnership.

Section II. General Conditions

(a) The Applicants maintain for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (b) of this Section II to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Applicants, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (b) below.

(b)(1) Except as provided in section (2) of this paragraph (b) and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (a) of this Section II are unconditionally available at their customary location for examination during normal business hours by:

(A) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(B) Any fiduciary of a Participating Plan who has authority to acquire or dispose of the interests in the Partnership of the Participating Plan or any duly authorized employee or representative of such fiduciary,

(C) Any contributing employer to any Participating Plan or any duly authorized employee or representative of such employer, and,

(D) Any participant or beneficiary of any Participating Plan or any duly authorized employee or representative of such participant or beneficiary.

(b)(2) None of the persons described in subparagraphs (B) through (D) of this paragraph (b) shall be authorized to examine trade secrets of the Applicants, or commercial or financial information which is privileged or confidential.

Section III. Definitions and General Rules

(a) An "affiliate" means a person with one or more of the following relationships to any of the Covered Persons;

(i) Any person directly or indirectly through one or more intermediaries, controlled by such Covered Persons; and

(ii) Officers, directors, highly compensated employees, relatives of or general partners in any such Covered Persons.

(b) The term "control" means beneficial ownership, by Covered Persons in the aggregate, either directly or through one or more controlled companies, of more than 50% of a company's voting securities.

(c) The term "relative" mens spouse and minor children sharing the same household of such Covered Person.

(d) The term "highly compensated employee" means a person whose compensation during the most recent fiscal year exceeds the greater of $30,000 or 10% of the total compensation earned by all employees of the employer.

(e) Each Participating Plan shall be considered to own the same proportionate undivided interest in each asset of the Partnership as its proportionate interest in the total assets of the Partnership as calculated on the most recent preceding valuation date of the Partnership.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 19, 1985 at 50 FR 33424.

The Department notes that section 1(2) of the Proposed Exemption incorrectly referred to the allocation formula as being located in paragraph 6 of the Summary of Facts and Representations. The allocation formula is in fact located in paragraph 7 of the Summary of Facts and Representations. In addition, the Department has revised the language contained in Section 1(2) of the Proposed Exemption to make it clear that the provision against holding securities held by the Partnership does not apply to the acquisition of such securities by other venture capital companies controlled by or managed by Covered Persons. The Exemption has been amended to reflect the above mentioned changes.

For Further Information Contact: Mr. Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

James P. Gills, M.D., P.A., Pension Plan and Trust (the Plan) Located in Clearwater, Florida

[Application No. D-5981]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and 406(b)(2) of the Act

and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of certain real property by the Plan to St. Luke's Clinic Properties (the Partnership), a party in interest with respect to the Plan, provided that the terms of the proposed sale are as favorable to the Plan as an arm's-length transaction with an unrelated party at the time of its consummation.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan with an estimated 58 participants. As of February 28, 1985, the Plan had total assets of $5,813,742.[4] The trustee of the Plan is James P. Gills, M.D. (the Trustee). The employer is St. Luke's Cataract and Intraocular Lens Institute, James. P. Gills, M.D., P.A. (the Employer). The Employer is a professional medical corporation. The Trustee is 100 percent owner of the Employer.

2. The Partnership was formed on December 1, 1984 for the sole purpose of building a clinic for use by the Employer and owning lands that would be adjacent to the clinic for possible future expansion. The Partnership is comprised of the Trustee, who owns 70 percent, and Messrs. Dennis L. Williams and Bruce Kiskaddon. Messrs. Williams and Kiskaddon have no ownership interest in the Employer, but are participants of the Plan.

3. On April 2, 1973, the Plan purchased certain real property located in Tarpon Springs, Florida (the Property) from an unrelated party at a cost of $125,000. The Property is comprised of 2.72 acres of uplands and is not presently producing income for the Plan. The applicant represents that for the Plan to develop the Property itself would require substantial cost to the Plan, thus increasing its overall holdings in real estate. The Plan has already invested substantially in real estate and needs to diversify its real estate holdings.

4. The applicant requests an exemption to permit the Plan to sell the Property to the Partnership. The proposed sales price is $415,000 in cash.

5. An appraisal of the property was performed by Henry C. Entreken, Jr., MAI, SREA and Leslie A. McKeon, SRPA, (the Appraisers) located in St. Petersburg, Florida. The Appraisers are independent of the Partnership and persons comprising the Partnership. The Appraisers have determined that the fair market value of the Property was $415,000 as of August 14, 1985. The Appraisers state that they are uncertain at this time as to whether the Property has a special value to the Partnership. They note that there is a large amount of other available vacant land within the immediate area, and that they are unaware of any expansion plans for the improvements owned by the Partnership.

6. The Trustee has determined that it is in the best interests of the Plan to sell the Property now while the Partnership is planning to build a new clinic. The Trustee also represents that the proposed purchase price is as high as the Plan could expect. The Trustee believes that the Plan can no longer continue to hold the Property for appreciation and is better off selling rather than improving it. The Property presents several problems in that it is narrow and partly consumed by a major Florida Power Corporation transmission line easement. It is unlikely that another buyer would purchase the Property because it is too small for a large development given its restriction on depth, which is compounded by a setback requirement on U.S. Route 19. Therefore, the most likely purchaser of the Property who would be willing to pay the highest purchase price is the Partnership which is developing the clinic on adjacent property to the south. The Trustee, individually, also owns property to the north of the Property and intends to sell it to the Partnership for the same price per square foot as the Plan.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(1) It provides for a cash sale of the Property at its full appraised value;

(2) The Plan will be able to divest itself of an asset which is not currently producing income; and

(3) The Trustee has determined that the proposed transaction is in the interests of and protective of the Plan and its participants and beneficiaries.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

New York State Linemen's Safety Training Fund (the Fund) Located in Manlius, NY

[Application No. L-6063]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act shall not apply to the proposed purchase by the Fund of an office building (the Building) from the I.B.E.W. Local Union 1249 Realty Corporation (the Realty Corp.), a party in interest with respect to the Plan, for $81,000, provided that the purchase price is no more than the fair market value of the Building on the date of sale.

Summary of Facts and Representations

1. The Fund is a multiemployer training trust fund established by I.B.E.W. Local Union 1249 (the Union) and various employers (the Employers) through collective bargaining. Pursuant to section 302 of the Labor Management Relations Act of 1947 (LMRA) the Fund is administered by a joint board of trustees (the Trustees) half of whom are appointed by the Union and half by the Employers. The Fund provides apprenticeship and journeymen training benefits to eligible candidates and bargaining unit employees respectively. As of June 30, 1984, the Fund had approximately 1125 participants and assets of $429,481.

2. The Realty Corp., the present owner of the Building, is a real estate title-holding corporation which is wholly-owned by the Union and is exempt from income tax under section 501(c)(2) of the Internal Revenue Code.

3. The Building is located at 6518 Fremont Road, Manlius, New York, approximately 8 miles from downtown Syracuse. The Fund has leased space in the Building for office and training purposes since August 1, 1978. In addition, the I.B.E.W. Local 1249 Pension Fund, the I.B.E.W. Local 1249 Tree Chapter Insurance Fund, the I.B.E.W. Local 1249 Insurance Fund (collectively, the Other Funds) and the Union have also leased office space in the Building from the Realty Corp. since August 1, 1978. The Other Funds are also collectively bargained multiemployer plans established and managed pursuant to section 302 of the LMRA. The applicant represents that these leases are exempt from the prohibited transaction rules of section 406 of the Act and meet the conditions of section 408(b)(2) of the Act and Prohibited Transaction Exemption 78-6 (PTE 78-6, 43 FR 23024).[5]

[4] The applicant represents that the contributions to the Plan have been frozen. The termination of contributions to the Plan occurred because the investment gains in the assets grew to the point where the Plan was fully funded.

[5] The Department expresses no opinion whether the leases from the Realty Corporation to the Fund and to the Other Funds comply with the requirements of section 408(b)(2) of the Act and/or PTE 78-6.

4. The Fund needs additional space and this requirement will necessitate modifications to the Building. The applicant represents that since many of the modifications will add substantially to the value of the Building, the Trustees have concluded that the Fund should purchase the building before the modifications are undertaken. In addition, the Fund plans to improve an adjacent 14½ acre lot purchased in 1979 for training and equipment testing. The applicant represents that the improvements will enhance the value of both pieces of property. The Fund will occupy more than 50% of the space in the Building. Once the Fund takes ownership of the Building it will become the landlord with respect to the Other Funds and the Union. The applicant represents that these lease arrangements will comply with Prohibited Transaction Exemptions 76–1, Part C (PTE 76–1, 41 FR 12740, 12745) and 77–10 (PTE 77–10, 42 FR 33918).[6]

5. The Building was appraised on September 17, 1984 and again on February 15, 1985, by Hawley E. Van Swall, A.S.A. (Mr. Van Swall), a party independent of the Union, the Realty Corp., and any contributing employer. On September 17, 1984 utilizing the income method, Mr. Van Swall indicated a fair market value of $98,000 for the Building. On February 15, 1985, utilizing the cost method, Mr. Van Swall indicated a fair market value of $99,000. The Realty Corp. purchased the Building in 1970 for $81,000.

6. The Realty Corp. proposes to sell the Building to the Fund for $81,000 in cash, which represents 18.1% of the Fund's assets. The applicant represents that the sale by the Union-owned Realty Corp. to the Fund for less than the appraised fair market value does not violate LMRA or other labor laws.

7. Frank S. Morano, Vice President of Key Bank of Central New York, a member of the Appraisal Institute of America, and independent of the Union, the Realty Corp., the other Funds and the Funds has reviewed the proposed transaction and has concluded that the terms of the proposed purchase are favorable to the Fund and are arms length, and that the purchase is in the best interests of the Fund's participants. Mr. Morano represents that he is familiar with the duties and responsibilities of a fiduciary under the Act and accepts those duties and responsibilities as an independent fiduciary for the Fund with respect to the proposed transaction.

8. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) because: (a) the Fund will pay less than the fair market value of the Building as determined by a qualified, independent appraiser; (b) an independent fiduciary has determined the purchase is at arm's-length and in the best interests of the Fund; and (c) the Trustees have determined that it is in the best interests of the Fund to acquire the Building.

For Further Information Contact: Mr. David Lurie of the Department, telephone (202) 523–8884. (This is not a toll-free number.)

C.J. Jacoby & Co. Inc. Pension Plan (the Plan) Located in Alton, IL 62002

[Application No. D–6309]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the past and proposed loans by the Massachusetts Mutual Life Insurance Company (the Insurer) to the Plan of the maximum loan values of life insurance policies held by the Plan on the lives of Plan participants, provided that the terms and conditions of such loans are at least as favorable to the Plan as those it could obtain from an unrelated party.

Effective Date: If this proposed exemption is granted, the effective date will be January 1, 1980.

Summary of Facts and Representations

1. The Plan is a defined benefit plan with two participants and assets of $374,969.94 as of August 31, 1985. The trustees of Plan (the Trustees) are the Alton Banking & Trust Co. (the Bank), Donald A. Jacoby and Casper J. Jacoby III (the Jacobys). The Jacobys are also officers and employees of the Plan sponsor. The Bank acts as the custodian of the Plan's assets. The Insurer is the issuer of the life insurance policies in question and also provides services to the Plan. The Insurer does not serve as a fiduciary to the Plan.

2. The applicant represents that in 1979 the Jacobys realized that the interest rate on insurance policy loans was 5% per annum while investments with returns of at least 9% per annum were available. After exploring several issues with their counsel, including the legality of such loans under the Act, the loans (the Loans) were executed on January 1, 1980. The Loans totaled $101,163.09 with an average interest rate of 6.45% as of August 31, 1985. The proceeds of the Loans are invested in bond mutual funds with a market value of $109,817.75 and a current yield of 10.71%.

3. The applicant represents that there is no fixed term to the Loans and the Insurer cannot call the Loans. Should either participant die before the Loans are repaid, the amount of the Loans from the policy covering that participant would be subtracted from the face amount of that policy. The terms and conditions of the Loans are represented to be standard terms and conditions that the insurer utilizes in similar policy loan transactions with unrelated parties.

4. The applicant further represents that should available rates of return decline to the point that they equal or are less than the interest on the Loans, the investments could be easily sold and the Loans repaid. The applicant represents that the Loans and subsequent investments have increased the available income to the Plan, and that is it therefore in the best interests of the Plan and its participants and beneficiaries.

5. In summary, the applicant represent that the transaction has and will continue to meet the criteria of section 408(a) because: (a) The yield on investments made with Loan proceeds will remain greater than the interest rate on the Loans, thereby increasing income to the Plan; (b) the Loan provisions are comparable to those utilized in other policy loans; and (c) the Trustees have determined that the Loans have been and will continue to be appropriate f or the Plan.

For Further Information Contact: David Lurie of the Department, telephone (202) 523–8884. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified persons from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does

[6] The Department expresses no opinion whether the leases from the Fund to the Union and the Other Funds will comply with the requirements of PTE 76–1, Part C, and PTE 77–10, and is not proposing any exemptive relief beyond that offered by those exemptions.

not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 12th day of November, 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-27285 Filed 11-14-85; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 85-182; Exemption Application No. D-4427 et al.]

Grant of Individual Exemptions; Shirk, Work, Robinson and Williams, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Shirk, Work, Robinson and Williams Keogh Plan (the Plan) Located in Oklahoma City, Oklahoma

[Prohibited Transaction Exemption 85-182; Exemption Application No. D-4427]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan to Mr. William J. Robinson of $40,000 from his account in the Plan, under the terms described in the notice of proposed exemption, provided such terms are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party. Section 408(d)(1) of the Act provides that the Department lacks authority to grant an exemption under section 408(a) of the Act for the lending of any part of the corpus or the income of a plan to an owner-employee. Therefore, the Department cannot grant an exemption under Title I for the subject loan. However, the Department can grant an exemption under Title II for the subject loan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 8, 1985 at 50 FR 41047.

For Further Information Contact: Mr. Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Kedan, Inc. Defined Benefit Pension Plan and Kedan, Inc. Money Purchase Pension Plan (together, the Plans) Located in Waterbury, Connecticut

[Prohibited Transaction Exemption 85-183; Exemption Application Nos. D-5618 and D-5619]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) loans made by the Plans to Kedan, Inc., under the terms and conditions described in the notice of proposed exemption, provided such terms and conditions are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party; and (2) the personal guarantee of repayment of the loans to the Plans by Mr. Alan Behan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 8, 1985 at 50 FR 41050.

Temporary Nature of Exemption: This exemption is effective as to loans entered into within 5 years from the date of granting of the exemption.

For Further Information Contact: Mr. Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Rahlves Organization Profit Sharing Plan and the Rahlves and Rahlves, Inc. Profit Sharing Plan (collectively the Plans) Located in San Ramon, California

[Prohibited Transaction Exemption 85-184; Exemption Application No. D-5716]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply for a period of 5 years to the proposed purchases of interests in a parcel of real property by the Plans involving up to 25% of each Plan's assets from the Rahlves Organization and the leasing of the property purchased to Bay Vista Partnership, provided that the terms and conditions of the transactions are at least as favorable to the Plans as those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of each transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 16, 1985 at 50 FR 37602.

Temporary Nature of Exemption

This exemption is temporary and will expire 5 years after the date of grant with respect to purchases of additional interests in the property by the Plans. Should the applicant wish to continue selling additional parcels of the property to the Plans beyond the 5-year period, the applicant may submit another application for exemption.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Rosen's Furniture Company, Inc., Profit Sharing Plan (the Plan) Located in Stroudsburg, Pennsylvania

[Prohibited Transaction Exemption 85-185; Exemption Application No. D-5911]

Exemption

The restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of certain real property by the Plan to Rosen's Enterprises Limited, a party in interest with respect to the Plan, provided the terms of the sale are as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party on the date of the consummation of the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 3, 1985 at 50 FR 35620.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Ferndale Development Corporation Pension Plan and Ferndale Development Corporation Money Purchase Pension Plan (together, the Plans) Located in Waterbury, Connecticut,

[Prohibited Transaction Exemption 85-186; Exemption Application Nos. D-6047 and D-6048]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) Loans made by the Plans to Ferndale Development Corporation, under the terms and conditions described in the notice of proposed exemption, provided such terms and conditions are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party; and (2) the personal guarantees of repayment of the loans to the Plans by Mr. Alan Behan and Mr. Thomas E. Deeley.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 8, 1985 at 50 FR 41055.

Temporary Nature of Exemption

This exemption is effective as to loans entered into within 5 years from the date of granting of the exemption.

For Further Information Contact: Mr. Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Computer Planning & Management, Inc. Defined Benefit Pension Plan and Computer Planning & Management, Inc. Money Purchase Pension Plan (the Plans) Located in Reston, Virginia

[Prohibited Transaction Exemption 85-187; Exemption Application Nos. D-6049 and D-6050]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) a series of loans (the Loans), over a period of five years, by the Plans to Computer Planning & Management, Inc. (the Employer), the sponsor of the Plans; and (2) the proposed personal guarantee of the Employer's obligations under the Loans by Thomas E. Deeley, Jr., a party in interest with respect to the Plans; provided that all terms of such transactions are at least as favorable to the Plans as the Plans could obtain in arms-length transactions with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 8, 1985 at 50 FR 41056.

Temporary Nature of Exemption

This exemption shall be effective for a period of five years commencing with the date this exemption is granted. The Plans may continue to hold Loans beyond the five-year period, provided that the Loans commenced during the five year period.

Correction: The Department notes that a typographical error occurred in the printing of the notice of proposed exemption whereby, at line 13 under "Proposed Exemption", the first two words should be "five years."

For Further Information Contact: Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Mark Johnson Enterprises, Inc. Retirement Trust (the Trust) Located in Anaheim, California

[Prohibited Transaction Exemption 85-188; Exemption Application No. D-6125]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed exchange of a certain parcel of unimproved real property (Parcel X) owned by the individually directed account of Mark C. Johnson in the Trust for another parcel of real property (Parcel Y) owned by the Johnson Family Trust, a party in interest with respect to the Trust, provided that the fair market value of Parcel Y is no less than the fair market value of Parcel X at the time the transaction is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this

exemption refer to the notice of proposed exemption published on October 8, 1985 at 50 FR 41058.

For Further Information Contact: Mr. E.F. Williams of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Minneapolis Radiology Associates, Ltd. Profit Sharing Plan (the Plan), Located in Minneapolis, Minnesota

[Prohibited Transaction Exemption 85-189; Exemption Application No. D-6249]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale of a parcel of improved real property (the Property) by the individually directed account of Richard Tucker, M.D. (Dr. Tucker) in the Plan to Dr. Tucker, provided that the sales price is not less than the fair market value of the Property on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 8, 1985 at 50 FR 41060.

For Further Information Contact: Mr. E.F. Williams of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 12th day of November, 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-27286 Filed 11-14-85; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Conservation/Collection Maintenance Section) to the National Council on the Arts will be held on Wednesday, Thursday and Friday, November 20-22, 1985 from 9:00 a.m.-5:30 p.m. in Room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506 or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 12, 1985.

[FR Doc. 85-27287 Filed 11-14-85; 8:45 am]

BILLING CODE 7537-01-M

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted 30 days from date of publication.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW. Washington, D.C. 20506 (202) 786-0233 or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202) 395-7316.

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue NW., Washington, DC 20506, (202) 786-0233 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is sissued by NEH and contains the following information: (1) The title of the form; (2) the agency from number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions

Title: Panel Comment Sheet.

Form Number: Not applicable.

Frequency of Collection: Once per year per respondent.

Respondents: Sepcialists in the field of the humanities or areas related to applications received by the Division of Research Program. Scholars, academic administrators, publishers, archivists, or librarians.

Use: To evaluate the quality and relative merit of applications for funding.

Estimated Number of Respondents: 199 per year, each evaluating 20–40 applications.

Estimated Hours for Respondents to Provide Information: 11,940 annually; 40–72 hours per respondent to evaluate 20–40 applications, including panel discussion time.

Category: Extensions

Title: Reviewers Comment Sheet.

Form Number: Not applicable.

Frequency of Collection: 1–4 instances annually per respondent.

Respondents: Specialists in the fields of the humanities or areas related to applications received by the Division of Research Programs.

Use: To record specialist reviewers' evaluation of applications for funding.

Estimated Number of Respondents: 7,114 per year

Estimated Hours for Respondents to Provide Information: 17,784 annually; 2.5 hours per respondent.

Susan Metts,

Acting Director of Administration.

[FR Doc. 85-27236 Filed 11-14-85; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the Humanities Panels will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

1. Date: December 6, 1985.
Time: 9:00 a.m. to 5:00 p.m.
Room: 316–2.
Program: This meeting will review Summer Stipend applications for Constitutional proposals, submitted to the Office of the Bicentennial of the U.S. Constitution, Division of Fellowships and Seminars, for projects beginning after September 1, 1986.

2. Date: December 6, 1985.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted for Humanities Programs, for Nontraditional Learners, Division of Education, for projects beginning after April 1, 1986.

3. Date: December 2–3, 1985.
Time: 9:00 a.m. to 5:00 p.m.
Room: 730.
Program: This meeting will review applications submitted for Central Disciplines in Undergraduate Education—Improving Introductory Courses, Promoting Excellence in a Field and Fostering Coherence Throughout an Institution, Division of Education, for projects beginning after October 1, 1986.

4. Date: December 5–6, 1985.
Time: 9:00 a.m. to 5:00 p.m.
Room: M–09
Program: This meeting will review applications submitted for Central Disciplines in Undergraduate Education—Improving Introductory Courses, Promoting Excellence in a Field and Fostering Coherence Throughout an Institution, Division of Education, for projects beginning after October 1, 1986.

5. Date: December 3, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in American Literature I, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

6. Date: December 3, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Modern European History, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

7. Date: December 4, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Ancient, Medieval, & Early Modern European History, submitted to the Divsion of Fellowships and Seminars, for projects beginning after April 1, 1986.

8. Date: December 4, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in American History II, submitted to the Divison of Fellowships and Seminars, for projects beginning after April 1, 1986.

9. Date: December 5, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review Summer Stipends applications in Philosophy I, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

10. Date: December 5, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Comparative Literature; Theory and Criticism, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

11. Date: December 6, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Philosophy II, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

12. Date: December 9, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Art History, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

13. Date: December 11, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in American Literature II, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

14. Date: December 12, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in British Literature I, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

15. Date: December 12, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Romance Languages and Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

16. Date: December 5–6, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: M–14.
Program: This meeting will review applications in the fields of the humanities submitted to the Conferences category of the Regrants Program, Division of Research Programs, for projects beginning after April 1, 1986.

17. Date: December 5, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review Summer Stipends applications in American History I, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

18. Date: December 5, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Anthropology, Linguistics and Folklore, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

19. Date: December 16, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in History: Africa, Asia, Latin America, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

20. Date: December 17, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Classical & Foreign Languages & Literatures, Linquistics, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

21. Date: December 17, 1985.
Time: 8:30 a.m. to 5:30 p.m.

Room: 316.

Program: This meeting will review Summer Stipends applications in Religious Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

22. Date: December 18, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.

Program: This meeting will review Summer Stipends applications in Sociology, Psychology, and Education, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

23. Date: December 18, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.

Program: This meeting will review Summer Stipends applications in Communications, Theater and Film, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

24. Date: December 19, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.

Program: This meeting will review Summer Stipends applications in Political Science, Law & Jurisprudence, Economics, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

25. Date: December 19, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.

Program: This meeting will review Summer Stipends applications in British Literature II, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

26. Date: December 16, 1985.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.

Program: This meeting will review Summer Stipends applications in Music and Dance, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1986.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 85-27271 Filed 11-14-85; 8:45 am]

BILLING CODE 7536-01-M

Inter-Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Folk Arts Section) to the National Council on the Arts will be held on Wednesday, December 4, 1985 from 8:30 a.m.-10:30 p.m., Thursday and Friday, December 5-6, 1985 from 8:30 a.m.-5:30 p.m. and Saturday, December 7, 1985 from 8:30 a.m.-4:00 p.m. in Room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 12, 1985.

[FR Doc. 85-27288 Filed 11-14-85; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Computer Research; Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92-463 as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Computer Research.

Date & Time: December 5, 1985 9:00 a.m. to 5:00 p.m., December 6, 1985 9:00 a.m. to 3:30 p.m.

Place: Room 540, National Science Foundation, 1800 G. Street, NW., Washington, DC 20550.

Type of Meeting: All Open—December 5 Open—9:00 a.m. to 5:00 p.m., December 6 Open—9:00 a.m. to 3:30 p.m.,

Contact Person: Mr. Kent K. Curtis, Division Director, Division of Computer Research, Room 304, National Science Foundation, 1800 G. Street, NW., Washington, DC 20550 Telephone: (202) 357-9747. Anyone planning to attend this meeting should notify Mr. Curtis no later than November 29, 1985.

Purpose of Committee: To provide advice and recommendations concerning support of Computer Research.

Summary Minutes: May be obtained from the contact person at the above address.

Agenda

Thursday, December 5, 1985, Room 540—9:00 a.m. to 5:00 p.m.—Open

9:00 a.m.—Status Report for Computer Research, K. Curtis
10:00 a.m.—Remarks by AD/MPS, Dr. R. Nicholson
10:30 a.m.—DARPA Programs and Plans, Dr. Saul Amarel
11:15 a.m.—Draft Report of the Computer Science Board, Dr. Paul Young
12:00 Noon—(Working Lunch)
12:30 p.m.—Equal Opportunity in Computer Research, Dr. Mario Gonzalez
1:30 p.m.—Infrastructure and Education in Computer Research
3:00 p.m.—NSF Support for Strengthening Departments, Dr. John Hopcroft
5:00 p.m.—Recess

Friday, December 6, 1985, Room 540—9:00 a.m. to 3:30 p.m.—Open

9:00 a.m.—NSFNET, Dr. Dennis Jennings
9:30 a.m.—CSNET after NSFNET, Dr. Rick Adrion
10:00 a.m.—OASC Advanced Technology Program, Dr. Al Harvey
10:30 a.m.—Computational Science and Engineering, Dr. John Polking
11:00 a.m.—Computer Research Interface with Scientific Computing, K. Curtis
12:00 Noon—Working Lunch
1:00 p.m.—CER Review, Dr. Harry Hedges and Dr. Robert Minnick
2:30 p.m.—Committee Business, Dr. K. Kennedy
3:30 p.m.—Adjourn

Dated: November 12, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-27242 Filed 11-14-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Geography and Regional Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Geography and Regional Science.

Date/Time: December 2, 1985—8:30 a.m. to 5:00 p.m., Closed; December 3, 1985—8:30 a.m. to 5:00 p.m., Closed.

Place: National Science Foundation, 1800 G St., NW (Rm. 628), Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Ronald F. Abler, Program Director, Geography and Regional Science, National Science Foundation, Washington, DC 20550, Room 312, Phone (202) 357-7326.

Purpose of Advisory Panel: To provide advice and recommendations concerning research in Geography and Regional Science.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: November 12, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-27243 Filed 11-14-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Policy Research and Analysis and Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis and Science Resources Studies, Working Group on Scientific and Technical Personnel Data System.

Date and Time: December 2, 1985, Room 613, 9:00—5:00 p.m., 2000 L Street, NW.

Type of Meeting: Open.

Contact Person: Jean E. Vanski, Staff Associate, STPSS, Division of Science Resources Studies, Room L-611, National Science Foundation, Washington, DC 20550, (202) 634-4691.

Summary Minutes: May be obtained from Jean E. Vanski, Staff Associate, STPSS, Division of Science Resources Studies, Room L-611, National Science Foundation, Washington, DC 20550.

Purpose of Committee: The Work Group provides advice and recommendations concerning program emphases and directions of the Division of Science Resources Studies for scientific and technical personnel data collection and analysis plans to be implemented in the 1990's.

Agenda: December 2

AM—Status Report and Discussion;
PM—Recommendations and Interim Report.

Dated: November 12, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-27244 Filed 11-14-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social/Cultural Anthropology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social/Cultural Anthropology.

Date and Time: December 3 & 4, 1985, 9:00 a.m.—5:00 p.m.

Place: National Science Foundation, 1800 G. St., NW., Washington, DC 20550, Room 1242-A.

Type of Meeting: Closed.

Contact Person: Dr. Stuart M. Plattner, Assoc. Program Director for Anthropology, Room 320, National Science Foundation, Washington, DC 20550 (202) 357-7804.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for social/cultural anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated witht the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: November 12, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-27245 Filed 11-14-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

American Can Co. (Neenah, WI, Plant); Order Imposing Civil Monetary Penalty

[General License EA 85-47]

I

American Can Company (the "licensee") is authorized under the general license granted in 10 CFR 31.5 by the Nuclear Regulatory Commission to perform activities in connection with licensed radioactive material in accordance with the conditions specified therein.

II

A special inspection of the licensee's activities was conducted on March 6, 1985. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with Commission requirements and the conditions of its license. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated May 10, 1985. The Notice states the nature of the violations, the requirements of the Commission regulations that were violated, and the amount of the civil penalty proposed for each violation. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty on June 24, 1985.

III

Upon consideration of the licensee's response and the statements of fact, explanation, and arguments regarding rescission or mitigation contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that a portion of Violation I.A. should be withdrawn. This portion dealt with the installation and removal of a generally licensed gauge by unauthorized individuals. The portion of the violation involving the licensee allowing unauthorized individuals to conduct leak testing has been reclassified as a Severity Level IV violation with no assessed civil penalty. The NRC has reviewed the circumstances of Violation I.B. and determined that the violation occurred

as stated and that a penalty is appropriate for this violation and should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1984, as amended, 42 U.S.C. 2282, Pub. L. 96–295, and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Two Hundred Fifty Dollars ($250.00) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, DC 20555 and to the Regional Administrator, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in Violation I.B. of the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above, and

(b) Whether on the basis of such violation this Order should be sustained.

Dated at Bethesda, Maryland, this 4th day of November 1985.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

The licensee's June 24, 1985 response to the May 10, 1985 Notice of Violation and Proposed Imposition of Civil Penalties for American Can Company's Neenah, Wisconsin Plant denies the alleged violation of 10 CFR 31.5(c)(3) which requires that installation and removal of generally licensed gauges and tests of such gauges be performed in accordance with the labels or by a person holding a specific license. The license did not admit or deny the violation against unauthorized transfer of a generally licensed gauge; however, the licensee assumes that such an unauthorized transfer did occur. The licensee specifically requested that the NRC withdraw its Notice of Violation against 10 CFR 31.5(c)(3) and the associated civil penalty, or in the alternative, that the proposed civil penalty be mitigated on the basis of the licensee's prompt identification and reporting of the missing gauge and its corrective actions. The licensee's arguments and the NRC'e evaluation are as follows:

Restatement of the Violation

I. Violations Assessed a Civil Penalty

A. 10 CFR 31.5(c)(3) requires that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license shall assure that testing and installation as well as removal from installation involving the radioactive materials, its shielding or containment, are performed in accordance with the instructions provided by the labels or by a person holding a specific license pursuant by 10 CFR Parts 30 and 32 or from an Agreement State to perform such activities.

Contrary to the above, leak tests were performed on February 28, 1983, February 3, 1984, and December 20, 1984, by individuals not authorized to perform such tests. In addition, from 1974 to January 1985 the licensee installed and removed NDC System Model 103 RHL nuclear gauges containing 25 millicuries of americium-241 in a sealed source even though it did not hold a specific license and the instructions on the label of the gauge did not permit it to do so. Specific examples are: (1) A gauge was removed the week of December 23, 1984, and (2) a gauge was installed on January 22, 1985.

B. 10 CFR 31.5(c)(8) requires that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license pursuant to 10 CFR Part 30 and 32 or from an Agreement State to receive the device.

Contrary to the above, a gauge was removed from service the week of December 23, 1984, and on February 28, 1985. The licensee was unable to determine the whereabouts of the gauge or produce records showing transfer or disposal of the gauge. The licensee presumes the gauge is lost or stolen.

These violations have been evaluated as a Severity Level III problem (Supplement VI).

(Cumulative Civil Penalty of $500 assessed equally between the violations).

Licensee's Response Concerning Violation I.A.

The licensee argues that its activities in connection with installation and removal of gauges were authorized. The lable indicated that the "use" of the gauges is "subject to a general license or equivalent and the regulations of the U.S. NRC or a state with which the NRC has entered into an agreement for the exercise of regulatory authority," but did not include any specific guidance concerning the installation and removal of gauges. American Can Company relied on information provided by the manufacturer (NDC Systems, Inc.). The licensee believes that the information provided by NDC Systems, Inc., clearly stated that the gauges were portable and could be removed and installed under terms of a license issued by the State of California (an Agreement State). The licensee asserts that the State authorized the installation and removal of gauges from production lines without requiring a specific license.

The licensee also argues that its activities in connection with leak testing were authorized. The licensee described the "limited role" of American Can employees in collecting leak test samples for analysis which were performed by the gauge manufacturer. The licensee states that "a leak test should properly be seen as involving two activities: the collection of a sample (the swab), and the subsequent analysis of that sample. . . . The wiping of the sources is a simple task that involves no specific knowledge or expertise whatsoever." The licensee believes that its role in leak testing, as well as the absence of instructions concerning special licensing in the leak test kit made available to the licensee by the manufacturer, should be viewed as being in accordance with the label.

NRC Evaluation Concerning Violation I.A.

The staff agrees with the licensee that a violation of 10 CFR 31.5(c)(3) for installation and removal of generally licensed gauges by unauthorized persons is not appropriate and this portion of the violation is accordingly withdrawn. The staff originally proposed this violation after

considering: (1) NRC regulations, (2) its understanding of the license issued to NDC Systems by the State of California, (3) the instructions provided on the label of the gauge, (4) conversations with California officials at staff and supervisory levels, and (5) an Enforcement Conference with a representative of American Can Company. Subsequent conversations with State of California officials and a review of information concerning the issuance of NDC Systems License No. 1933–70 GL revealed that, contrary to NRC's initial understanding, the State of California was aware that the manufacturer intended to distribute the gauge as a portable device and did not take exception to such use in the license. The State of California also did not include the provisions of 10 CFR 31.5(c)(3) restricting individuals (other than those acting under a specific license) from installation and removal of generally licensed gauges. Consequently, the instructions provided to American Can Company by the manufacturer for use of the gauge as a portable device were consistent with the license issued by the State of California. Nonetheless, NRC staff is concerned that American Can Company employees who are not trained radiation workers have been routinely engaged in the installation and removal of gauges containing radioactive material and recommend that this practice be discontinued.

With respect to the portion of Violation I.A. concerning the performance of leak tests by unauthorized individuals, the NRC notes that the label attached to each gauge contains the statement "Maintenance, tests or other service involving the radioactive material, its shielding and containment, shall be performed by persons holding a specific radioactive material license to provide these services." There is no provision in the manufacturer's Agreement State license which would allow persons other than those holding a specific license to perform leak tests. In addition, the NRC staff does not accept the licensee's contention that only the analysis of the sample might require technical expertise or be subject to detailed regulatory supervision. While the licensee is correct in identifying a leak test as a two part process, both parts are crucial to a successful test. The analysis of a sample is entirely dependent upon the sample submitted. Untrained individuals cannot be assumed to know the most likely points of leakage for such a gauge or the appropriate area of a gauge to be sampled for a reliable analysis to be performed. The instructions supplied by the manufacturer fail to describe either of these elements crucial to determining whether or not leakage of the sealed source has occurred. Because neither the license issued by the State of California nor the instructions in the label authorized the performance of tests by persons other than those holding a specific license, leak testing by the licensee is not permitted under 10 CFR 31.5(c)(3). However, this portion of Violation I.A. is being reclassified as a Severity Level IV to reflect the lower safety significance of the violation.

In view of the above, the civil penalty associated with Violation I.A. is withdrawn.

Licensee's Response to Violation I.B.

The licensee states it is unable to admit or deny under oath that an unauthorized transfer of a generally licensed gauge occurred because it is unable to determine the whereabouts of the gauge. The licensee does assume that such an unauthorized transfer did occur.

NRC Evaluation of Licensee's Response to Violation I.B.

The licensee was unable to produce any evidence to indicate that an authorized transfer of the gauge took place. In the absence of such information, the NRC concludes that an unauthorized transfer did take place resulting in the disappearance of the gauge from the licensee's premises. A civil penalty is appropriate for this violation since this gauge, if disassembled and the source removed and handled, could result in harmful effects to any individual(s) who might handle the source.

Licensee's Response Concerning Mitigation

The licensee argues that it has implemented effective corrective actions in response to the Notice of Violation and Proposed Civil Penalty and will implement long term corrective action if the violations stand. In the event that the violation against 10 CFR 31.5(c)(3) is not withdrawn, the licensee requests that the civil penalties for Violations I.A. and I.B. be mitigated or remitted for prompt identification and reporting as well as corrective action.

NRC Evaluation of Licensee's Response Concerning Mitigation

The NRC staff does not agree with the statement that the gauge was promptly identified as missing. Although actions were initiated to locate the gauge, these actions do not warrant mitigation of the proposed civil penalty for this violation. Reporting of the missing gauge is required in accordance with 10 CFR Part 20. It should be noted that the licensee had sufficient reason to suspect loss or theft when the gauge could not be located during the week of January 22, 1985. The licensee than took approximately five weeks to determine that the gauge was missing before notifying the NRC on February 28, 1985.

Although the NRC does not dispute that corrective action was taken, the NRC was responsible for the initiation of several of these actions. For example, the effort to locate the gauge through the local newspapers was not undertaken until after suggestions by the NRC. The NRC advised the licensee to hire a health physicist to conduct a radiation survey of the facility and scrap yard. In addition, the notice posted on the bulletin board to plant employees failed to describe the radioactive nature of the gauge. Mitigation for corrective action is usually awarded in recognition of extraordinary prompt and extensive action taken on the licensee's own initiative, and not at the NRC's prompting.

Thus, for the reasons described above, the NRC concludes that the licensee did not promptly identify or report the missing guage. Therefore, no further mitigation of the proposed civil penalty for this violation is warranted on the basis of either prompt identification and reporting or corrective action.

Conclusion

The NRC staff has carefully reviewed the licensee's response and has concluded that there is sufficient evidence to show that the licensee did not violate a portion of Violation I.A. concerning installation and removal of gauges by unauthorized individuals. The remaining portion of Violation I.A. remains, but has been classified as a Severity Level IV to more appropriately reflect the significance of the violation. The civil penalty for Violation I.A. has been remitted in its entirety. However, a $250 civil penalty is being imposed for Violation I.B. because of the significance of the unauthorized transfer of the gauge and the possible harm which coud result to an individual who might come in contact with the missing gauge.

[FR Doc. 85-27263 Filed 11-14-85; 8:45 am]
BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Mainstem Passage Advisory Committee; Meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Mainstem Passage Advisory Committee of the Mainstem Passage Advisory Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- FISHPASS modelling results,
- Bonneville spill cost estimates,
- Other,
- Public comment.

DATE: November 18, 1985, 10:00 a.m.

ADDRESS: The meeting will be held in the Council's Meeting Room, 850 S.W. Broadway, Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, 503–222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 85–27150 Filed 11–14–85; 8:45 am]

BILLING CODE 0000–00–M

Production Planning Advisory Committee; Meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Production Planning Advisory Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Genetic policies and principles,
- Outplanting,
- Goals update,
- Site ranking update,
- Other,
- Public comment.

DATE: December 2, 1985, 9:30 a.m.

ADDRESS: The meeting will be held in the Council's meeting room, 850 S.W. Broadway, Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Ron Eggers, 503–222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 85–27151 Filed 11–14–85; 8:45 am]

BILLING CODE 0000–00–M

POSTAL SERVICE

Privacy Act of 1974; Systems of Records

AGENCY: Postal Service.

ACTION: Final notice of modifications to existing systems of records.

SUMMARY: The purpose of this document is to publish final notice of records systems description changes which recently appeared for public comment in the **Federal Register.** In the interest of providing complete, current information to the public, this document also makes minor editorial and typographical changes to these records systems descriptions. All changes have been incorporated into the systems descriptions referenced herein.

EFFECTIVE DATE: November 14, 1985.

FOR FURTHER INFORMATION CONTACT: Rubenia Carter, Records Office, (202) 268–4872.

SUPPLEMENTARY INFORMATION: (a) On July 16, 1985, the Postal Service published in the **Federal Register** (50 FR 28862) advance notice of a modification to Routine Use No. 1 to system USPS 010.010—Collection and Delivery Records—Address Change and Mail Forwarding Records, and a modification to Routine use No. 4 to system USPS 010.020—Collection and Delivery Records—Boxholder Records.

(b) Also on July 16, 1985, in 50 FR 28862, the Postal Service proposed modified descriptions of several systems of records for which fuller descriptive information was needed. A review of the operation of these sytems, 050.005, 120.035, 120.151, 120.152 and 140.020, indicated that the previously published notices of their existence and character do not present an adequate description of their functions.

Interested persons were invited to comment on these proposed modifications. No comments were received. Final notice of these modifications and the sytems to which they apply follow:

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

USPS 010.010

SYSTEM NAME:

Collection and Delivery Records—Address Change and Mail Forwarding Records, 010.010.

SYSTEM LOCATION:

Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers requesting mail forwarding services from their local postal facilities and any postal customers who are victims of a disaster who have requested mail forwarding services through the Red Cross.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain customer name, old address, new mailing address, mail forwarding instructions, effective date, information as to whether the move is permanent or temporary and the customer's signature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—(1) To provide mail forwarding and address correction services to postal customers who have changed address; and (2) To povide address information to the Red Cross about a postal customer who has been relocated because of a disaster.

Use—

1. Disclosure of the address of any named individual may be made from a permanent address change record to the public, upon request.

Note.—Temporary changes of address will not be furnished except by the postmaster upon a showing of a compelling emergency situation, or to a Federal, State, or local government agency showing proper identification and providing proper certification that the information is required in the course of a criminal investigation.

2. Disclosure may be made to a congressional office from the record or an individual in response to an inquiry from the congressional office made at the request of the individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the

Postal Service is a party before a court or administrative body.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

This source document is stored in filing cabinets at the delivery unit. They are filed alphabetically by name within month or quarter. Records generated from the source document are stored on cards or list forms or recorded on magnetic tape where central markup is computerized. These records are filed alphabetically by name and route number or zone.

RETRIEVABILITY:

This system of reords is indexed by names and address. Information may be retrieved by route number of ZIP Code where a computerized system is in use.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

See USPS records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Service Department, Headquarters.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address, effective date of change order, route number (if known) and ZIP Code.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 010.020

SYSTEM NAME:

Collection and Delivery Records—Boxholder Records, 010.020.

SYSTEM LOCATION:

Post Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers who have applied for or expressed an interest in post office box or caller services, whether for private or public use.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are in printed or card form and contain name, addresses, telephone number, record of payment, post office box service preference and the names of persons or agents whether family members, business associates, or employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide post office box services to postal patrons.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in mature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Disclosed to a Federal, State or local government agency upon prior written certification that the information is required for the performance of its official business.

3. Disclosed to persons authorized by law to serve judicial process when necessary to serve process.

4. Disclosure of the name, address, and telephone number may be made from the post office box application form, to the public, upon request, when the box is being used for the purpose of doing or soliciting business with the public.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate baragaining unit.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

7. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

8. May be disclosed to a Federal or State agency providng parent locator services or to other authorized persons as defined by Pub. L. 93–647.

9. Disclosure of address information may be made, upon prior written certification from a foreign government agency citing the relevance of the information to an indication of a violation or potential violation of law and its responsibility for investigating or prosecuting such violation, and only if the address is—(1) outside of the United States and its territories, and (2) within the territorial boundaries of the requesting foreign government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on printed or card form filed in metal cabinets. In locations where the records have been automated, information may be found on magnetic tape, magnetic cards or mylar strips.

RETRIEVABILITY:

Information is filed according to local needs, and the volume of records. Billing forms are filed numerically by box number within month in which rent is due. Appications are filed alphabetically by name of individual or firm.

SAFEGUARDS:

Access limited to employees working in the boxholder section.

RETENTION AND DISPOSAL:

See USPS records control schedules.

SYSTEM MANAGER(S) ADDRESS:

APMG, Delivery Service Department.

APMG, Department of the Controller, Headquarters.

APMG, Rates & Classification Department, Headquarters.

NOTIFICATION PROCEDURE:

Inquires should be addressed to the local postmaster, requestors in person should identify themselves with drivers license, military, government or other form of identification.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 050.005

SYSTEM NAME:

Finance Records-Accounts Receivable File Maintenance, 050.005.

SYSTEM LOCATION:

Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees, contractors, vendors and other individuals indebted to the Postal Service.

GATEORIES OF RECORDS IN THE SYSTEM:

Invoice number, location name, Social Security Number, employee name, designation code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To monitor and record collections made by the USPS,.

Use—

1. To refer, where there is an indication of violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set-forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the compliant.

7. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on printed forms, punched cards and magnetic tapes.

RETRIEVABILITY:

Records are normally retrieved by social security number. When necessary, they may be retrieved by invoice number or by name of employee, contractor, vendor, or other indebted individuals.

SAFEGUARDS:

Authorization is limited to personnel of the General Accounting Section. Computerized records are subject to the security of the computer room.

RETENTION AND DISPOSAL:

All information is retained for four years after claim is paid and then destroyed by burning or scratched.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Department of the Controller, Headquarters.

NOTIFICATION PROCEDURE:

Individuals requesting information from this system of records will apply to the pertinent postal facility and present the debtor's name and Social Security Number.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Information is passed to this system from the Payroll Section, General Accounting Section, Claims Section, and Postmasters and Regional Offices.

USPS 120.035

SYSTEM NAME:

Personnel Records-Employee Accident Records, and Exposure Records, 120.035

SYSTEM LOCATION:

Safety offices in any USPS facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees that experience an on-the-job accident and/or an occupational injury or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Occupational accident injury and illness logs, forms, reports, and summaries. Name, address, sex, age, and type of accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91–596, Executive Order 12196, and 29 CFR Part 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—

To assist postal managers in meeting the requirement to develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. To provide for the uniform collection and compilation of occupational safety and health data, for proper evaluation and necessary corrective action.

Use—

1. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issued involved in the complaint.

2. To furnish the U.S. Department of Labor with serious accident reports, information to reconcile claims filed with the Office of worker's Compensation and quarterly and annual summaries of occupational injuries and illnesses; and to make information available to the Secretary of Labor upon his request.

3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal,

or regulatory in nature, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto.

4. Disclosure may be made to a court, claimant, party in litigation—or counsel for a claimant or party when necessary to facilitate settlement or attempts at settlement of claims involving the accident.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in the at Circular.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry form the congressional office made at the request of that individual.

8. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

9. Inactive records may be transferred to a Federal Records Center prior to destruction.

10. May be disclosed to Compliance Safety and Health Officers or to Compliance Safety and Health Officers—Industrial Hygienists from the Occupational Safety and Health Administration, or to Industrial Hygienists from the National Institute for Occupational Safety and Health, when conducting announced or unannounced inspections or investigations of postal facilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on index cards, magnetic tape, microfilm, preprinted forms, logs, and computer reports.

RETRIEVABILITY:

Employee name and social security number.

SAFEGUARDS:

Maintained in closed file cabinets within secured facilities, and are also protected by computer password and tape or disk library physical security.

RETENTION AND DISPOSAL:

See USPS records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name, address, finance number and social security number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

USPS Accident Reports and OWCP claim forms.

USPS 120.151

SYSTEM NAME:

Personnel Records—Recruiting, Examining and Appointment Records, 120.151.

SYSTEM LOCATION:

U.S. Postal Service personnel offices and/or other offices within Postal Service facilities authorized to engage in recruiting or examining activities or make appointments to positions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and professional resumes, personal applications, test scores, medical assessment, academic transcripts, letters of recommendation, employment certifications, medical records, and registers of eligibles. Restricted medical records are accumulated and temporarily maintained by personnel offices prior to transmittal to medical facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide managers, personnel officials and medical officers information in recruiting and recommending appointment of qualified persons.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violating or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a decision concerning the hiring of retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. Disclosure may be made to a Federal agency in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit to the extent that the information is relevant and necessary to the agency's decision on that matter.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission upon his request, when that

investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

9. Inactive records may be transferred to a Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper files, index cards, magnetic tape, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

Job applicant name and/or social security number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets under scrutiny of designated managers. Computer records are maintained in secured facilities.

RETENTION AND DISPOSAL:

See USPS records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information is contained on them in this system of records should address inquiries to the head of the facility to which job application was made. Inquiries should contain full name, social security number, and if applicable, approximate date of application submitted and residence

RECORD ACCESS PROCEDURE:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Individual, school officials, former employers, supervisors, named references, Veterans Administration and State Division of Vocational Rehabilitation Counselors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.152

SYSTEM NAME:

Personnel Records—Career Development, Training, and Training Evaluation Records, 120.152

SYSTEM LOCATION:

Postal Education and Development Centers [PEDCs] and other facilities within the Postal Service where career development training, and curriculum evaluation activities are authorized.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Career development records, applications for and record of postal and non-postal training, and records containing student and manager evaluations of training received. Also contains examination and skills bank records, including records of special qualifications, skills or knowledge, career goals, education, and work histories or summaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 US.C. 401.1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide managers, supervisors, and training and development professionals with decision-making information for employee career development, training, and assignment.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

2. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. Disclosure may be made to a Federal agency, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary to the agency's decision on that matter.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A—19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613 and the contents of the requested record are needed by the investigator in the performance of his duty—to investigating a discrimination issues involved in the complaint.

9. Inactive records may be transferred to a Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVABILITY, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, index cards, magnetic tape, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

Employee name and social security number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets under scrutiny of designated managers. Computer records are maintained in secured facilities.

RETENTION AND DISPOSAL:

See USPS records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee relations Department, APMG, Real Estate and

Buildings Department, and APMG Customer Services Department, Headquarters

NOTIFICATION PROCEDURE:

Current and former filed employees wishing to know whether information is contained on them in this system of records should address inquires to the head of the appropriate employment facility. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name and social security number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURES above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURES above.

RECORD SOURCE CATEGORIES:

Information is obtained from the subject, subject's employment records and his/her supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 140.020

SYSTEM NAME:

Postage—Postage Meter Records, 140.020.

SYSTEM LOCATION:

Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postage meter users.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer name and address, license application, and transaction documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To enable responsible administration of postage meter activities.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. To disclose identity and address of meter user and identity of agent of user to any member of public upon request.

3. Pursuant to the National Labor Relations Act records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of and individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms.

RETRIEVABILITY:

Records are indexed by customer name and by numeric file of postage meters.

SAFEGUARDS:

Records are maintained in closed file cabinets in secured facilities.

RETENTION AND DISPOSAL:

See USPS records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates and Classification Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this systtem of records should address inquiries to the local postmaster from which license was obtained supplying name and meter number.

RECORD ACCESS PROCEDURE:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and officials making entries to reflect activities.

[DR Doc. 85-27086 Filed 11-14-85; 8:45 am]

BILLING CODE 7710-12-M

SMALL BUSINESS ADMINISTRATION

[Application No 09/09-5363]

Princeton Finance Co.; Application for License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies [13 CFR 107.102 (1985)] by Princeton Finance Company, 2231 Colby Avenue, Los Angeles, California 90064 for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958 (the Act), as amended [15 U.S.C. 661 *et seq.*].

The proposed officers, directors, and shareholders of the Applicant are as follows:

Name	Title or relationship	Percentage of shares owned
Albert J. Robilotta, 554 8th Street, Hermosa Beach, CA 90254.	General Manager	0
John Kenneth Kim, 1670 Carla Ridge, Beverly Hills, CA 90210.	President, Director	50
Sarah Kim, 1670 Carla Ridge, Beverly Hills, CA 90210.	Chief Financial Officer, Director.	40
Tong S. Suhr, 823 S. Almansor Street, Alhambra, CA 91801.	Secretary, Director	10

The Applicant will begin operations with a capitalization of $1,000,000 and will be a source of equity capital and long term loan funds for qualified small business concerns.

The Applicant will conduct its operations in the State of California. As a small business investment company under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act and will provide assistance solely to small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management including profitability and financial soundness in accordance with the Small

Business Investment Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in the Los Angeles, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 5, 1985.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 85-27139 Filed 11-14-85; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2216]

Louisiana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on November 1, 1985, I find that the Parishes of Jefferson, Lafourche, St. Bernard, St. Charles, St. John the Baptist, and Terrebonne constitute a disaster loan area because of damage from Hurricane Juan beginning on or about October 27, 1985.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on January 2, 1986, and for economic injury until August 1, 1985, at: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas, 75051, or other locally announced locations.

Interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businessess with credit available elsewhere	8.000
Businessess without credit available elsewhere	4.000
Businessess (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 221608 for physical damage and for economic injury the number is 635200.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 5, 1985.

Alfred E. Judd,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 85-27140 Filed 11-14-85; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2211; Amdt. #2]

Puerto Rico; Declaration of Disaster Loan Area

The above-number Declaration (50 FR 42242) and Amendment #1 (50 FR 45701) are amended in accordance with the amendment to the President's declaration of October 10, 1985, to include the Municipalities of Adjuntas, Aguas Buenas, and Ciales because of damage from servere storms, landslides, mudslides, and flooding beginning on October 6, 1985. All other information remains remains the same; i.e., the termination date for filing applications for physical damage is the close of business on December 9, 1985, and for economic injury until the close of business on July 10, 1986.

(Catalong of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: November 5, 1985.

Alfred E. Judd,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 85-27141 Filed 11-14-85; 8:45 am]

BILLING CODE 8025-01-M

Region IV; Advisory Council Meeting; Alabama

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Birmingham, Alabama, will hold a public meeting 9:00 a.m.-1:00 p.m., on Friday, December 6, 1985, in the Birmingham District Office of Small Business Administration, 2121 8th Avenue, North, Suite 200, Birmingham, Alabama 35203, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call James C. Barksdale, District Director, U.S. Small Business Administration, 2121 8th Avenue, North, Suite 200, Birmingham, Alabama 35203, (205) 254-1341.

Jean M. Nowak,

Director, Office of Advisory Councils.

November 7, 1985.

[FR Doc. 85-27142 Filed 11-14-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/898]

Soviet and Eastern European Studies Advisory Committee; Meeting

The Department of State announces that the Soviet and Eastern European Studies Advisory Committee will meet for two days, November 26 at 10:00 a.m. and November 27 at 9:00 a.m. in Room 1912, Department of State, 2201 C Street NW., Washington, DC.

The Advisory Committee will recommend grant recipients for the advancement of the objectives of the Soviet-Eastern European Research and Training Act of 1983. The agenda will include: Opening statements by the Chairman of the Committee and its members; oral statements by interested members of the public and receipt of written statements; and within the Committee, discussion, approval, and recommendation that the Department of State negotiate grant agreements with "national organizations with an interest and expertise in conducting research and training concerning Soviet and Eastern European countries and in disseminating the results of such research" based on the guidelines amplifying the purposes set forth in the 1983 Act and contained in the call for applications published in the **Federal Register** on September 9.

Members of the general public may attend the meeting to make and/or submit statements, and to observe the Committee's deliberations subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry must be arranged in advance of the meeting. It is required that prior to the meeting, persons who plan to attend or to make or submit statements, so advise Paul K. Cook, Executive Director, Soviet-Eastern European Studies Advisory Committee, INR, Department of State, Room 6747, Washington, DC 20520, (202) 653-5144. All attendees must use the C Street entrance to the building.

Dated: November 7, 1985.

Paul K. Cook,

Executive Director, Soviet and Eastern European Studies Advisory Committee.

[FR Doc. 85-27133 Filed 11-14-85; 8:45 am]

BILLING CODE 4710-32-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-85-27]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: December 9, 1985.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ____, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on November 7, 1985.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23753	Saudi Arabian Airlines Corporation	14 CFR 61.2	To amend Exemption 3923 to permit petitioner's pilots to be issued a U.S. pilot certificate with a type rating for any of the following aircraft: B-747, B-737, B-707, L-1011, and A300-600.
24718	ERA Helicopters, Inc	14 CFR 43.3(g)	To allow petitioner's certified pilots to remove, check, clean and re-install magnetic chip detector plugs on the engine and gearboxes on certain company helicopters.
22473	Ransome Airlines	14 CFR 93.123	To extend petitioner's current exemption 3752A, which permits two additional commutor operations per hour at Washington National Airport. The exemption would be limited to STOL aircraft and permit further evaluation of RNAV approaches to the cross runways at National Airport.
21802	Sowell Aviation Co	14 CFR 141.65	To allow petitioner to recommend for flight instructor and airline transport pilot certificates and ratings, graduates of its FAA approved certification course who have not taken the FAA's written test required by Subpart D of § 141 of the FAR.
24788	Weyerhaeuser Co	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list.
24806	The Kroger Co	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list.
24785	Southern California Edison Co	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list.
24781	Mason Corp	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list.
24796	Tele/Com Air Inc	14 CFR 21.181	To allow petitioner to opertate certain aircraft utilizing the provisions of a minimum equipment list.
24797	Transco Energy. Co	14 CFR 21.181	To allow petitioner to opertate certain aircraft utilizing the provisions of a minimum equipment list.
24698	Warner-Lambert Co	14 CFR 21.181	To allow petitioner to opertate certain aircraft utilizing the provisions of a minimum equipment list.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24773	T.A.R	14 CFR 91.303	To allow petitioner to operate one Boeing 707-338C aircraft until hushkits are installed. *Granted 11/4/85.*
24565	Horizon Air	14 CFR 121.371(a) & 121.378	To allow Braathens S.A.F.E. to perform maintenance on petitioner's Fokker F-28 Mark 1000 aircraft. *Granted 11/4/85.*
24295	View Top Corporation	14 CFR 21.181	To allow the operation of a B-727-76 airplane utilizing the provisions of a minimum equipment list. *Granted 10/18/85.*
24590	REB Std	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment. *Granted 10/18/85.*
19742	Philippine Airlines, Inc. (PAL)	14 CFR 313(a) & 601(c)	Extension of Exemption No. 2885 to allow petitioner to operate four leased, U.S.-registered B-747 airplanes, N741PR, N742PR, N743PR, and N744PR, using an FAA-approved continuous airworthiness maintenance program and the B-747 master minimum equipment list. *Granted 10/3/85.*
24751	Aircraft Owners and Pilots Association	14 CFR 61.65(e)(1)	To permit certain applicants for an instrument rating to comply with the cross-country flight requirements as it existed prior to June 7, 1965, in lieu of the requirements in the current FAR. *Granted 1/11/85.*
24620	AirAtlantic Airlines	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. *Granted 10/18/85.*
24584	Comdata Network, Inc	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. *Granted 10/22/85.*
24575	USAir	14 CFR Appendix H of Part 121	To allow petitioner to continue to conduct Phase IIA training and checking utilizing a Phase I simulator beyond October 1, 1985, 15⅓ weeks in excess of the 3½ years as permitted by Appendix H of Part 121. *Granted 10/22/85.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24536	Professional Aviator Training	14 CFR 61.63(d)(2) & (d)(3)	To permit trainees of petitioner who are applicants for a type rating to be added to any grade of pilot certificate, to substitute the practical requirements of § 61.157(a) for those of § 61.63(d)(2) and (d)(3) to complete a portion of that practical test in a simulator as authorized by § 61.157(d). *Granted 10/22/85.*
24553A	Philip Morris Inc.	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. *Partial Grant 10/22/85.*
24341	HRB-Singer, Inc.	14 CFR 21.181	To allow petitioner to operate a Super King Air B-200 airplane utilizing the provisions of a minimum equipment list. *Granted 10/22/85.*
24634	United Chem-Con Corp.	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. *Granted 10/22/85.*
24482	MacLean-Fogg Co.	14 CFR 21.181	To allow petitioner to operate a Citation I aircraft utilizing the provisions of a minimum equipment list. *Granted 10/23/85.*
24346-1	Aeromar	14 CFR 91.303	To allow petitioner to operate four Stage 1 DC-8-54F aircraft until huskkits are installed. *Granted 10/24/85.*
24145-1	Dominicana De Aviacion, C. Por A.	14 CFR 91.303	To allow petitioner to operate a Stage 1 aircraft until huskkits are installed. *Amended Grant 10/25/85.*
23992-1	Tradewinds Airways Limited	14 CFR 91.303	To allow petitioner to operate a Stage 1 aircraft until huskkits are installed. *Amended Partial Grant 10/25/85.*
24740	ANDES	14 CFR 91.303	To allow petitioner to operate one Stage 1 DC-8-55 aircraft until huskkits are installed. *Denied 10/31/85.*
24372	Linea Aerea Nacionale-Chile, S.A.	14 CFR 91.303	To allow petitioner to operate a Stage 1 aircraft until hushkits are installed. *Amended Partial Grant 10/31/85.*
24384	Pan Aviation, Inc.	14 CFR 91.303	To allow petitioner to operate a Stage 1 aircraft until huskkits are installed. *Amended Partial Grant 10/31/85.*
24726	F.R. Aviation, Ltd.	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. *Granted 10/1/85.*
21397	Flightsafety International	14 CFR 135.303	To allow petitioner to use FAA-approved motion base simulators instead of the aircraft to evalute the check pilot status. *Granted 10/24/85.*
24349	Icelandair Flugleidir	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. *Granted 10/30/85.*
24274	Republic Airlines	14 CFR 121.579(a)	To allow petitioner to engage the autopilot after takeoff on the MD-80 aircraft at an altitude lower than 500 feet. This would be consistent with the approved Airplane Flight Manual supplement which allows autopilot engagement at 200 feet. *Denied 10/31/85.*
24741	United Airlines	14 CFR Portions of	To permit petitioner the 1 year instructor employment requirement of Advanced Simulation Training Program (ASTP) to be acquired with either petitioner or in other Part 121 air carriers. *Granted 10/31/85.*

[FR Doc. 85-27044 Filed 11-14-85; 8:45 am]
BILLING CODE 4910-13-M

Federal Railroad Administration

[BS-Ap-No. 2474]

Richmond, Fredericksburg and Potomac Railroad Co.; Public Hearing

The Richmond, Fredericksburg and Potomac Railroad Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance of the automatic train control and cab signal system between Richmond, Virginia, and Arlington, Virginia. This proceeding is identified as FRA Block Signal Application No. 2474.

After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on January 15, 1986, in the Red Court Room on the Fourth Floor of the U.S. Court House at 10th and Main Street in Richmond, Virginia.

The hearing will be an informal one, and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC, on November 12, 1985.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 85-27277 Filed 11-14-85; 8:45 am]
BILLING CODE 4910-06-M

[BS-Ap-No. 2424]

Seaboard System Railroad; Public Hearing

The Seaboard System Railroad has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance of the automatic block signal systems between Augusta, Georgia, and Atlanta, Georgia. This proceeding is identified as FRA Block Signal Application No. 2424.

After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on January 8, 1986, in Room 140 of the South Tower at 1718 Peachtree Road, North West in Atlanta, Georgia. The hearing will be an informal one, and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, D.C., on November 12, 1985.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 27278 Filed 11-14-85; 8:45 am]
BILLING CODE 4910-06-M

Maritime Administration

[Docket No. S-781]

Lykes Bros. Steamship Co., Inc.; Application To Provide a TR 22/15B Dual Service

Lykes Bros. Steamship Co., Inc. (Lykes), by application dated October 9, 1985, has requested an amendment to Appendix A of Operating-Differential Subsidy Agreement (ODSA), Contract No. MA/MSB-451, to provide a TR 22/15B (U.S. Gulf/Far East/South and East Africa) dual service.

The new service configuration plan by Lykes would give it the privilege of continuing outbound on its TR 15B (U.S. Gulf/South and East Africa) service and combine service as required on its TR 22 (U.S. Gulf/Far East) service inbound. Under ODSA MA/MSB-451, Lykes is authorized to make a minimum/maximum of 36/60 sailings per year on TR 22 and a minimum/maximum of 18/24 sailings per year on TR 15B.

Lykes' application stresses several benefits it expects will be gained by the combined services. The combination will provide Lykes with more operating flexibility and efficiency. It will not involve an increase in the number of ships, geographical area or authorized number of sailings. It will help maintain regular U.S.-flag berth service in the two services areas and possibly increase U.S.-flag participation.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington DC 20590. Comments must be received no later than 5:00 P.M. on November 29, 1985. This notice is published as a matter of discretion and publication should in no way be considered a favorable or unfavorable decision on the application, as filed or as may be amended. The Maritime Subsidy Board will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

Dated: November 7, 1985.

By Order of the Maritime Subsidy Board.

Georgia P. Stamas,

Secretary.

[FR Doc. 85-27171 Filed 11-14-85; 8:45 am]

BILLING CODE 4910-81-M

Research and Special Programs Administration

Hazardous Materials; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes December 13, 1985.

ADDRESS: Comments to: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9533-N	B.A.G. Corporation, Dallas, TX.	49 CFR Part 173, Subpart E	To manufacture, mark and sell non-DOT specification bulk polypropylene bags, for shipment of certain solid oxidizers or corrosive materials. (Modes 1, 2, 3.)
9534-N	Hardigg Industries, Inc., South Deerfield, MA.	49CFR 173.255, Part 173, Subpart D, F	To manufacture, mark and sell non-DOT specification polyethylene portable tank with external metal frame, for shipment of certain flammable and corrosive liquids and hydrogen peroxide, classed as an oxidizer. (Modes 1, 2, 3.)
9535-N	SKF Industries, Inc., Philadelphia, PA.	49 CFR 173.154(a)(5)	To authorize shipment for disposal of four heat treating tanks containing a solid oxidizing material, n.o.s. waste heat treating salts. (Mode 1.)
9536-N	Transway Systems Inc., Stoney Creek, Ont. Canada.	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 173.346(a)(12), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for full open rear head, for shipment of liquid and semi-solid waste materials classes as flammable, corrosive or poison B. (Mode 1.)
9537-N	L'Air Liquide, Sassenage, France.	49 CFR 172.101, 173.315(a)	To authorize shipment of helium refrigerated liquid, classed as nonflammable gas, in non-DOT specification portable tanks of 10,911 gallon capacity. (Modes 1, 3.)
9538-N	The Lely Corporation of Delaware, Wilson, NC.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations, for shipment of certain flammable, corrosive or poison waste liquids or semi-solids. (Mode 1.)
9539-N	Fomo Products, Inc., Akron, OH.	49 CFR 173.1200(a)(8)(ii), 173.1200(e)	To authorize shipment of polyurethane foams, consumer commodity, classed as an ORM-D in DOT Specification 2Q metal cans without being exposed to 130 degrees F. water bath. (Mode 1.)
9540-N	Ethyl Corporation, Baton Rouge, LA.	49 CFR 174.63(b)	To authorize shipment of antiknock compound, pyroforic liquids, n.o.s. or methyl bromide in DOT Specification 51 portable tanks in an ISO frame via rail in container-on-flat-car service.
9541-N	Ashland Chemical, Dublin, OH.	49 CFR 177.848	To authorize shipment of poisonous gases, flammable gases, oxidizers, flammable liquids and corrosive liquids packages loaded together on the same specially designed truck. (Mode 1.)
9543-N	Reynolds Manufacturing Co., McAllen, TX.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations, for shipment of certain flammable, corrosive or poison waste liquids or semi-solids. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 5, 1985.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 85-27153 Filed 11-14-85; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials; Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repealed here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes November 28, 1985.

ADDRESS: Comments to: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
3128-X	Valcor Engineering Corporation, Springfield, NJ.	3128
4453-X	Mt. State "Bit Service, Inc., Morgantown, WV.	4453
4661-X	Foote Mineral Company, Exton, PA	4661
5112-X	U.S. Department of Defense, Falls Church, VA.	5112
5112-X	Austin Powder Company, Cleveland, OH.	5112
5948-X	Department of Energy, Washington, DC.	5948
5967-X	Rocket Research Corp., Redmond, WA.	5967
6530-X	Union Carbide Corporation, Danbury, CT.	6530
6530-X	Liquid Carbonic Corporation, Chicago, IL.	6530
6530-X	Messer Griesheim Industries, Valley Forge, PA.	6530
6530-X	Liquid Air Corporation, San Francisco, CA.	6530
6765-X	Bureau of Mines, Amarillo, TX	6765
6765-X	Teisan K.K., Tokyo, Japan	6765
6816-X	General Dynamics/Convair Division, San Diego, CA.	6816
6861-X	Teledyne McCormick Selph, Hollister, CA.	6861
6971-X	PolyScience Corporation, Niles, IL	6971
7052-X	Jet Propulsion Laboratory, Pasadena, CA.	7052
7052-X	Allen-Bradley Co., Milwaukee, WI	7052
7052-X	In-Situ, Inc., Laramie, WY	7052
7052-X	Honeywell, Inc., York, PA	7052
7052-X	Magnavox Government & Industrial Electronics Corp., Fort Wayne, IN.	7052
7052-X	Gearhard Industries, Inc., Fort Worth, TX.	7052
7073-X	Ethyl Corp., Baton Rouge, LA [1]	7073
7205-X	U.S. Department of Defense, Falls Church, VA.	7205
7280-X	U.S. Department of Defense, Falls Church, VA.	7280
7409-X	Sea-Land Service, Inc., Elizabeth, NJ	7409
7536-X	U.S. Department of Defense, Falls Church, VA.	7536
7542-X	U.S. Cylinders, Incorporated, Citronelle, AL.	7542
7549-X	Stauffer Chemical Company, Westport, CT.	7549
9231-X	Consolidated Rail Corporation, Philadelphia, PA.	7616
7638-X	Minnesota Valley Engineering, Inc., New Prague, MN [2].	7638
7803-X	Plastican, Inc., Leominster, MA	7803
8059-X	EFI Corporation, Los Gatos, CA [3]	8059
8230-X	Seastar Chemicals, Div. of Seastar Instruments, Sidney, S.C., Canada.	8230
8264-X	Hercules, Incorporated, Wilmington, DE.	8264
8265-X	Hercules, Incorporated, Wilmington, DE.	8265
8273-X	TRW Vehicle Safety Systems Division, Washington, MI.	8273
8314-X	Barber Steamship Lines, Inc., New York, NY.	8314
8320-X	Merck Sharp and Dohme, West Point, PA.	8320
8354-X	VTG, Hamburg, Germany	8354
8465-X	C-I-L Inc., Brampton, Ontario, Canada, PA.	8465
8525-X	ABC Containerlines, N.V., Antwerp, Belgium.	8525
8650-X	Ethyl Corp., Baton Rouge, LA [4]	8650
8725-X	CNG Cylinder Corporation, Long Beach, CA.	8725
8758-X	Union Carbide Corporation, Danbury, CT.	8758
8767-X	Hydraulic Research-Textron, Pacoima, CA.	8767
8988-X	Pengo Industries, Inc., Fort Worth, TX.	8988
9139-X	W.R. Grace & Co., Baltimore, MD	9139
9145-X	Exxon Pipeline Company, Houston, TX.	9145
9149-X	Ethyl Corp., Baton Rouge, LA [5]	9149
9158-X	National Beryllia Corporation, Haskell, NJ.	9158
9162-X	Sun Pipe Line Company, Longview, TX.	9162
9169-X	Hugo Neu & Sons, Inc., New York, NY.	9169
9174-X	McDonnell Douglas Corporation, St. Louis, MO.	9174
9198-X	United States Department of the Interior, Boise, ID.	9198
9362-X	Nowsco Services, Inc., Houston, TX [6]	9362

[1] To authorize non-DOT specification portable tanks in ISO frames containing motor fuel antiknock compound to be shipped in container-on-flat-car-service.

[2] To renew and authorize an additional model cylinder.

[3] To increase oxygen content from 30 percent to 39, to delete requirement to examine the grain structure of every lot of cylinders and to authorize other independent inspection agencies.

[4] To authorize non-DOT specification portable tanks in an ISO frame containing motor fuel antiknock compound to be shipped in container-on-flat-car-service.

[5] To authorize non-DOT specification portable tanks in an ISO frame containing motor fuel antiknock compound to be shipped in container-on-flat-car-service.

[6] To renew exemption issued on emergency basis to accommodate shipment of nitrogen refrigerated liquid in non-DOT specification portable tank of up to 500 gallon capacity by cargo aircraft.

Application No.	Applicant	Parties to exemption
2709-P	Independent Explosives Co. of Penna., Scranton, PA.	2709
4453-P	Thermex Energy Corporation, Dallas, TX.	4453
5206-P	Thermex Energy Corporation, Dallas, TX.	5206
7052-P	Yardney Corporation, Pawcatuck, CT	7052
7052-P	Macrodyne, Inc., Schenectady, NY	7052
7052-P	Energy Sales, Incorporated, Redmond, WA.	7052
7052-P	Optima Systems, Burlington, MA	7052
7052-P	Wimpol, Inc., Houston, TX	7052
7607-P	Eisenmann Corporation, Crystal Lake, IL.	7607
7951-P	Longlife Diary Products Company, Inc., Jacksonville, FL.	7951
8091-P	Rastor Communications, Inc., Portland, OR.	8091
8451-P	Gearhart Industries, Inc., Fort Worth, TX.	8451
8451-P	Boeing Aerospace Co., Seattle, WA	8451
8526-P	Rohm and Haas Company, Philadelphia, PA.	8526
8674-P	Thermex Energy Corporation, Dallas, TX.	8674
8915-P	Airco, The BOC Group, Inc., Murray Hill, NJ.	8915
9262-P	Owen Oil Tools Inc., Fort Worth, TX	9262

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 6, 1985.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 85-27154 Filed 11-14-85; 8:45 am]

BILLING CODE 4910-60-M

[Docket No. NPD-1]

Hazardous Materials; City of New York; Appeal From a Denial of Petition for Non-Preemption Determination; Public Notice and Invitation To Comment

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Public notice and invitation to comment.

SUMMARY: This Notice solicits public comment on the issues raised by New York City's appeal from the denial of its request that statutory preemption of the City's ban on the transportation of spent nuclear fuel be waived, thereby enabling the City to resume enforcement of its currently preempted ban.

DATES: Comments received on or before December 27, 1985, will be considered before issuance of a decision on appeal.

ADDRESSES: The petition, ruling and appeal and all related correspondence and comments may be reviewed in the RSPA Dockets Branch, Room 8426, 400 Seventh Street, S.W., Washington, DC 20590. Comments on the application may be submitted to the Dockets Branch at the above address. To ensure proper handling, indicate Docket No. NPD–1 on your submission. Three copies of each submission are requested.

A copy of each comment must also be sent to: Mr. Stephen P. Kramer, Senior Litigator, New York City Department of Law, 100 Church Street, New York, NY 10007.

Certification of the fact that a copy has been sent to Mr. Kramer is to be indicated on any comments submitted to the Dockets Branch. [The following format is suggested: "I hereby certify that a copy of this comment has been sent to Mr. Stephen Kramer at the address noted in the **Federal Register**."]

FOR FURTHER INFORMATION CONTACT: Elaine Economides, Office of Chief Counsel, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590. (Tel: 202/755–4972).

SUPPLEMENTARY INFORMATION:

1. Background

On September 9, 1985, the Department of Transportation issued Non-Preemption Determination No. NPD–1 (50 FR 37308, September 12, 1985) denying New York City's request for a waiver of the statutory preemption of its ban on the transportation of spent nuclear fuel. The City's transportation ban having been determined to be inconsistent with, and thus preempted by, section 112(a) of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1811(a)) and the regulations issued thereunder, the City applied to the Department for a waiver of preemption pursuant to section 112(b) of the HMTA. That application having been denied, the City has filed an administrative appeal pursuant to 49 CFR 107.225 seeking reversal of NPD–1.

2. The City's Appeal

The Department's denial of the city's application was based on the following principal findings:

(1) That the City failed to demonstrate the type of exceptional circumstances for which Congress created the extraordinary remedy of non-preemption; and

(2) that the City's request to alter the status of certain preferred routes involves the type of determination which the Department has specifically acknowledged as being within the authority of the states.

The City's appeal is based on the following principal arguments:

(1) That no basis exists for the finding that a showing of exceptional circumstances is a necessary precondition for a grant of non-preemption;

(2) that the City does not have recourse to the mechanism for state designation of alternate routes because the alternate routes in question all go through Connecticut, which has opposed their designation;

(3) that the Department erred in failing to consider the City's technical safety analysis; and

(4) that the ruling was inconsistent with prior statements made by the Department.

3. Public Comment

Comments should be restricted to the issues raised by the City in its appeal.

Persons intending to comment on the appeal should examine Non-Preemption Determination NPD–1 (50 FR 20872; September 12, 1985); the HMTA (49 U.S.C. 1801–1812); and the Hazardous Materials Regulations (49 CFR Parts 171–179).

Issued in Washington, DC, on November 7, 1985.

M. Cynthia Douglass,

Administrator.

[FR Doc. 85–27152 Filed 11–14–85; 8:45 am]

BILLING CODE 4910-60-M

[Docket No. 85–7W; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Petition for Waiver

The Transcontinental Gas Pipeline Company (Transco) has petitoned for a waiver from compliance with 49 CFR 192.553(d), which limits any increase of the maximum allowable operating pressure (MAOP) of existing gas pipelines to that pressure allowed for new pipelines of like material in the same location. The waiver would apply to four transmission line segments, two on Main Line "A" and two on Main Line "B", located in parallel in Pike County, Mississippi on line sections between Main Line Valve (MLV) 65–20 and Compressor Station No. 70. The MAOP of the subject segments would be increased from the present 770 psig to 780 psig (72 percent of specified minimum yield strength (SMYS)) for Main Line "A" and to 800 psig (68 percent of SMYS) for Main Line "B". The subject segments are between MP 652.5 and MP 655.75 and between MP 653.63 and 652.00. The remaining portions of the line sections were previously qualified to operate at the higher pressures requested.

Line "A" was constructed in 1950 and designed in accordance with the *ASA B31.1b Code* (1947 ed.). The pipe is 30 inches in diameter with 0.3125-inch wall thickness and was purchased to API Standard 5LX, Grade X52 specifications. In the line section involved, Line "A" was installed in a Class 1 location, with a design factor of 0.72 and a design pressure of 780 psig. A post-installation gas pressure test of 845 psig was applied which under the *B31.1b Code* qualified the pipe to operate at the design pressure.

Line "B" was constructed in 1954 and designed in accordance with the *ASA B31.18 Code* (1952 ed.). The pipe is 36 inches in diameter with 0.406-inch wall thickness and was purchased to API Standard 5LX, Grade X52 specifications. In the line section involved, Line "B" was installed in a Class 1 location with a design factor of 0.72 and design pressure of 844 psig. A construction hydrostatic test of 880 psig was applied which under the *B31.18 Code* qualified the pipe to operate at a MAOP of 800 psig.

Prior to the promulgation of 49 CFR Part 192 in 1970, the line sections involved had a MAOP of 780 psig for Line "A" and 800 psig for Line "B". After the issuance of 49 CFR Part 192, the MAOP of both sections was determined to be 770 psig in accordance with § 192.619(c), based on the highest actual pressure to which the sections had been subjected during the five (5) years preceding July 1, 1970. The initial class location determination required by § 192.607 indicated that each Main Line section contained two Class 2 locations, which are the subject segments. Subsequent to this determination, the Line "A" section was hydrostatically tested to a minimum of 1038 psig (92 percent of SMYS) which was held for a period of at least eight (8) hours; there were four (4) test leaks during the test. The Line "B" section was hydrostatically tested to a minimum of 1138 psig (97 percent of its SMYS) which

was held for a period of at least eight (8) hours; there were no test leaks during this test.

These tests enabled the Class 1 portion of the Line "A" section to be uprated to its design pressure of 780 psig and the Class 1 portion of the Line "B" section to be uprated to its design pressure of 844 psig. But § 192.553(d) prevented the MAOP of the subject segments, which were Class 2, from being uprated above 770 psig, the highest level permitted by § 192.611. Subsequent to the hydrostatic pressure tests, another location on the line sections involved has changed from Class 1 to Class 2. The provisions of § 192.611, governing confirmation or revision of MAOP when class location changes occur, permit the segments in this latest Class 2 location, which had been previously tested to more than 90 percent of SMYS, to retain their preexisting MAOP of 780 psig on Line "A" and 844 psig on Line "B".

Transco estimates that an increase in MAOP of the subject segments to 780 psig on Line "A" and 800 psig on Line "B" will increase the capacity of the line sections by 22 MMCFD. This can be accomplished either by uprating the subject segments under the requested waiver, or by replacing a total of 3.375 miles of 30" O.D. Line "A" pipe and 3.375 miles of 36" O.D. L ine "B" pipe. The estimated cost of pipe replacement for the subject segments of Lines "A" and "B" is $5,770,000. Transco states that an expenditure of this magnitude would not promote pipeline safety and would merely burden its ratepayers and cause detriment to its shareholders.

RSPA agrees with Transco and believes that a waiver of § 192.553(d) to permit the proposed uprating should be granted because the subject segments are not materially different with respect to design, construction, and leak and maintenance history from similar Class 2 segments in the same line section that may be uprated to an MAOP of 780 psig and 800 psig, respectively. The distinguishing factory is merely the timing of the qualifying pressure tests. Had they been performed before the subject segments changed from Class 1 to Class 2, the segments could have been uprated and then qualified under § 192.611(a) for the higher MAOP's requested without restriction by § 192.553(d).

Interested persons are invited to comment on the proposed waiver by submitting in triplicate such data, views, or arguments as they may desire. Communications should identify the Docket and Notice numbers and be submitted to: Dockets Branch, Room 8426, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

All comments received before December 16, 1985 will be considered before final action is taken. Late filed comments will be considered so far as practicable. All comments will be available for inspection at the Dockets Branch, between the hours of 8:30 a.m. and 5:00 p.m. before and after the closing date for comments. No public hearing is contemplated, but one may be held at a time and place set in a notice in the **Federal Register** if requested by an interested person desiring to comment at a public hearing and raising a genuine issue.

(49 U.S.C. 1672; 49 CFR Part 1.53(a), Appendix A of Part 1 and Appendix A of Part 106)

Issued in Washington, DC, on November 12, 1985.

Robert L. Paullin,

Director, Office of Pipeline Safety.

[FR Doc. 85-27276 Filed 11-14-85; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Establishment of Sub-Office; District Counsel, Las Vegas, NV

AGENCY: Chief Counsel, Internal Revenue Service, Treasury.

ACTION: Establishment of sub-office.

SUMMARY: As a result of the increasing legal casework in the State of Nevada, the Chief Counsel of the Internal Revenue Service will open a new office in Las Vegas to be known as the Las Vegas District Counsel Sub-Office, effective November 25, 1985.

Fred T. Goldberg, Jr.,

Chief Counsel.

[FR Doc. 85-27137 Filed 11-14-85; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on December 19, 1985, at 2:00 p.m., the St. Louis Veterans Administration Regional Office Station Committee on Educational Allowances shall at Room 4034, 1520 Market Street, St. Louis, Missouri 63103, conduct a hearing to determine whether the approval of Stoehner Service Systems, Inc., and Stoehner Security Service, Inc., both located at 1332 Baur Boulevard, St. Louis, Missouri 63132, under the Emergency Veterans' Job Training Act (Pub. L. 98-77) shall be reinstated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: November 8, 1985.

D.R. Ramsey,

Director, VA Regional Office.

[FR Doc. 85-27157 Filed 11-14-85; 8:45 am]

BILLING CODE 8320-01-M

Performance Review Board Members

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Under the provisions of 5 U.S.C. 4314(c)(4) agencies are required to publish a notice in the **Federal Register** of the appointment of Performance Review Board (PRB) members. This notice revises the list of members of the Veterans Administration's Performance Review Boards which was published in the **Federal Register** 49 FR 44351, dated November 6, 1984.

EFFECTIVE DATE: November 1, 1985.

FOR FURTHER INFORMATION CONTACT: K. Joyce Edwards, Office of Personnel and Labor Relations (05A3), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202-389-3423).

The Members of the VA's Performance Review Boards Are

VA Performance Review Board

Chairperson

Everett Alvarez, Jr., Deputy Administrator

Members

John W. Ditzler, M.D., Chief Medical Director
John Vogel, Chief Benefits Director
Arthur S. Hamerschlag, Acting Chief Memorial Affairs Director
Susan Livingstone, Associate Deputy Administrator for Logistics
Donald W. Jones, Associate Deputy Administrator for Public and Consumer Affairs
David A. Cole, Associate Deputy Administrator for Congressional and Intergovernmental Affairs
Donald L. Ivers, General Counsel
Kenneth E. Eaton, Chairman, Board of Veterans Appeals
Jack J. Sharkey, Director, Office of Data Management and Telecommunications

Conrad R. Hoffman, Director, Office of Budget and Finance (Controller)
Raymond S. Blunt, Director, Office of Program Planning and Evaluation
Albert A. Peter, Jr., Director, Office of Construction
Michael Rudd, Director, Office of Personnel and Labor Relations
Clyde C. Cook, Director, Office of Procurement and Supply
Robert W. Schultz, Director, Office of Information Management and Statistics
Renald P. Morani, Deputy Inspector General

Alternates

John A. Gronvall, M.D., Deputy Chief Medical Director
John W. Hagan, Jr., Deputy Chief Benefits Director

Department of Medicine and Surgery Performance Review Board

Chairperson

John A. Gronvall, M.D., Deputy Chief Medical Director

Members

Robert E. Lindsey, Jr., Director for Operations
D. Earl Brown, Jr., M.D., Associate Deputy Chief Medical Director for Programs, Planning and Policy Development
Donald B. Thompson, Director, Southeast Region
Albert Zamberlan, Director, Great Lakes Region
Sidney M. Ford, Director, Midwestern Region
Richard P. Miller, Director, Southwestern Region
Daniel E. Cooney, Director, Western Region
Alvis B. Carr, Jr., Director, Mid-Atlantic Region
Charles V. Yarbrough, Director, Management Support Office
Francis E. Conrad, M.D., Director, Office of Quality Assurance
Joseph P. Travers, Director, Resource Management Office

Department of Veterans Benefits Performance Review Board

Chairperson

John W. Hagan, Jr., Deputy Chief Benefits Director

Members

David A. Brigham, Executive Assistant to Chief Benefits Director
David M. Walls, Field Director, Eastern Region
Raymond B. Peterson, Field Director, Central Region
Essie D. Morgan, Field Director, Western Region
Edward D. Green, Director, Veterans Assistance Service
Robert M. O'Toole, Director, Loan Guaranty Service
Dennis R. Wyant, Director, Vocational Rehabilitation and Counseling Service
Gerald P. Moore, Director, Compensation and Pension Service
Charles L. Dollarhide, Director, Education Service
Frederick A. Schatz, Director, Administrative Service
Paul D. Ising, Director, Management and Manpower Staff

Office of the Inspector General Performance Review Board

Chairperson

James Curry, Assistant Inspector General for Audit Policy and Oversight, Department of Defense

Members

Joseph Genovese, Assistant Inspector General for Auditing, Department of Transportation
Conrad R. Hoffman, Director, Office of Budget and Finance (Controller)

Alternates

Charles Gillum, Acting Inspector General, General Services Administration
Clyde C. Cook, Director, Office of Procurement and Supply

Dated: November 6, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 85-27213 Filed 11-14-85; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 221
Friday, November 15, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, November 26, 1985, 9:30 a.m. (Eastern Time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Vote(s).
2. A Report on Commission Operations (Optional).
3. Options Regarding the Commission's Position on the Issue of Conviction Records.

Closed

Litigation Authorization; General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634–6748.

Dated: November 13, 1985.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

This Notice Issued November 13, 1985.

[FR Doc. 85–27396 Filed 11–13–85; 3:20 pm]

BILLING CODE 6750–06–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Monday, November 26, 1985, 2:00 p.m. (Eastern Time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Closed

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer Executive Secretariat at (202) 634–6748.

Dated: November 13, 1985.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

This Notice Issued November 13, 1985.

[FR Doc. 85–27397 Filed 11–13–85; 3:20 pm]

BILLING CODE 6750–06–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:15 p.m. on Friday, November 8, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Auburn Savings Bank, Auburn, Iowa, which was closed by the Superintendent of Banking for the State of Iowa on Friday, November 8, 1985; (2) accept the bid for the transaction submitted by Carroll County State Bank, Carroll, Iowa, a State member bank; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(B)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Northshore Bank, Houston, Texas, which was closed by the Banking Commissioner for the State of Texas on Friday, November 8, 1985; (2) accept the bid for the transaction submitted by Bank of Woodforest, Houston, Texas, a newly-chartered State nonmember bank; (3) approve the applications of Bank of Woodforest, Houston, Texas, for Federal deposit insurance, for consent to purchase certain assets of and assume the liability to pay deposits made in Northshore Bank, Houston, Texas, and for consent to establish the sole branch of Northshore Bank as a branch of Bank of Woodforest; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director H. Joe Selby (Acting Comproller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: November 12, 1985.

Federal Deposit Insuranuce Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–27401 Filed 11–13–85; 3:29 pm]

BILLING CODE 6714–01–M

4

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10:30 a.m., Friday, November 15, 1985.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, DC.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6679).

MATTERS TO BE CONSIDERED:

Corporate Governance II

D.C. Branching

Nadine Y. Penn,

Acting Secretary.

No. 28, November 12, 1985.

[FR Doc. 85-27279 Filed 11-12-85; 4:29 pm]

BILLING CODE 6720-21-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 50, Page No. — None at this time. Date Published—Friday, November 15, 1985.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, DC.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the Bank Board meeting scheduled Friday, November 15, 1985, at 10:30 a.m.:

Corporate Governance II.

Jeff Sconyers,

Secretary.

No. 29, November 13, 1985.

[FR Doc. 85-27400 Filed 11-13-85; 3:22 pm]

BILLING CODE 6720-01-M

6

FEDERAL HOME LOAN MORTGAGE CORPORATION

Previously Held Special Meeting

TIME AND DATE: 4:30 p.m., Sunday, November 3, 1985.

PLACE: Dallas, Texas.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Declaration of a third quarter dividend on the Federal Home Loan Mortgage Corporation's preferred and common stocks.
2. Relocation of the Federal Home Loan Mortgage Corporation's headquarters.

The Board unanimously voted that Federal Home Loan Mortgage Corporation business required that the meeting be held with less than seven days advance notice.

The Board voted to close the meeting pursuant to 5 U.S.C. 552b(c) (9)(B). The General Counsel certified that the meeting could be closed under this exemption.

FOR MORE INFORMATION CONTACT: Alan Hausman, Associate General Counsel and Assistant Secretary, 1776 G Street, NW., 8th Floor, Washington, DC 20013, 202-789-5097.

Dated: November 8, 1985.

Maud Mater,

Senior Vice President, General Counsel and Secretary.

[FR Doc. 85-27327 Filed 11-13-85; 10:33 am]

BILLING CODE 6720-02-M

7

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: November 8, 1985, 50 FR 46534.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., November 13, 1985.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

4. Agreements Nos. 202-000150-080, 202-003103-081, and 202-008190-016: Modification of three conference agreements in the trade from Japan to the U.S. to restate the agreements to conform with the Commission's rules, provide for the conferences' complete control over service contracts, and clarify the conferences' authority to meet with shippers' associations.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-27398 Filed 11-13-85; 3:31 pm]

BILLING CODE 6730-01-M

8

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., November 20, 1985.

PLACE: Hearing Room One, 1100 L Street NW., Washington, DC 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Portions closed to the public:

1. Agreeent No. 224-010843: Continental Stevedoring & Terminals, Inc. Joint Venture Agreement.
2. Petition of the Trans-Pacific Freight Conference of Japan to set aside a Commission Order in Part Re Service to the Port of Portland—Consideration of the Petition and the Replies submitted in response to the Notice of Filing of Petition.
3. Consideration of a Surveillance and Enforcement Matter.

CONTACT PERSON FOR MORE INFORMATION: Bruce A. Dombrowski, Acting Secretary, (202) 523-5725.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-27407 Filed 11-13-85; 3:49: pm]

BILLING CODE 6730-01-M

9

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, November 20, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments. (This item was originally announced for a closed meeting on November 7, 1985).
2. Implementation of the Board's Program Improvement Project.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 12, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27284 Filed 11-12-85; 4:50 pm]

BILLING CODE 6210-01-M

10

MARINE MAMMAL COMMISSION

TIME AND DATE: The Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will hold an open meeting on Saturday, November 23, 1985, from 6:00 p.m. to 8:30 p.m.

PLACE: Hotel Georgia, York Room, 801 West Georgia Street, Vancouver, British Columbia, Canada V6C 1P7.

STATUS: The meeting will be open to public observation.

MATTERS FOR DISCUSSION: Changes in the membership of the Committee of Scientific Advisors on Marine Mammals, Commission operations and procedures, and operation (including the establishment of new working groups) of the Committee of Scientific Advisors.

FOR MORE INFORMATION: John R. Twiss, Jr., Executive Director, Marine Mammal Commission, 1625 I Street, NW., Washington, DC 20006, 202/653-6237.

Dated: November 13, 1985.

John R. Twiss, Jr.,

Executive Director.

[FR Doc. 85-27326 Filed 11-13-85; 11:19 am]

BILLING CODE 6820-31-M

11

NATIONAL COUNCIL ON THE HANDICAPPED

TIME AND DATE:

9:00 a.m.–5:00 p.m., November 18, 1985.
9:00 a.m.– 5:00 p.m., November 19, 1985.
9:00 a.m.– 5:00 p.m., November 20, 1985.

PLACE: Yellowstone/Everglades Meeting Room, Hyatt Regency Washington at Capitol Hill, 400 New Jersey Avenue, NW, Washington, DC 20001, (202) 737-1234.

STATUS: Open Meeting.

MATTERS TO BE DISCUSSED:

General Business.
Forum on Rehabilitation Utilization.
Review of February 1986 Report to the President and Congress.
Discussion of Mid-Range Planning.

PLEASE NOTE: Any person requiring an interpreter or other special services, please contact NCH staff no later than November 18, 1985.

CONTACT FOR MORE INFORMATION: Lex Frieden, Executive Director, NCH, (202) 453–3846.

Lex Frieden,

Executive Director, National Council on the Handicapped.

[FR Doc. 85–27403 Filed 11–13–85; 3:44 pm]

BILLING CODE 6820-BS-M

Federal Register

Friday
November 15, 1985

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA85–5036	Sept. 20, 1985.
Louisiana:	
LA85–4020	Aug. 9, 1985.
LA85–4029	Aug. 30, 1985.
New York: NY85–3026	May 10, 1985.

Supersedeas Decision to General Wage Determination Decisions

The numbers of the decision being modified and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Iowa: IA84–4043 (LA85–4047).	June 15, 1984.
Missouri: MO84–4097 (MO85–4048).	Oct. 5, 1984.
Texas: TX85–4019 (TX85–4050).	June 14, 1985.

Signed at Washington, D.C., this 8th day of November 1985.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

DECISION NO. LA85-4020 - MOD. #3
(50 FR 32351 - 8/9/85)
Statewide Louisiana

CHANGE:
PAINTERS:
ZONE 1:
Work on apartments over 4 stories

Basic Hourly Rates	Fringe Benefits
$11.70	.60

DECISION NO. LA85-4029 - MOD. #1
(50 FR 35372 - 8/30/85)
Calcasieu Par.,Louisiana

CHANGE:
Painters

Basic Hourly Rates	Fringe Benefits
11.70	.60

DECISION NO. CA85-5036 - Mod. #4
(50 FR 38411 - September 20, 1985)
Alameda, Alpine, etc., Counties, CA

Change:
Brick Tenders:
Area 6

Basic Hourly Rates	Fringe Benefits
$15.49	$5.25

Laborers:
Work on single family homes and apartments not exceeding 2 stories:

Group 1	9.75	5.36
Group 2	11.75	5.36
Hod Carriers	12.75	5.36

Omit:
Sheet Metal Workers:
Area 9

Add:
Sheet Metal Workers:
Area 9:

Building construction	27.05	6.82
Residential construction	23.21	6.13

(2)

DECISION NO. NY85-3026 - MOD. #1
(50 FR 19856 - May 10, 1985)
MONROE COUNTY, NEW YORK

CHANGE:

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	18.18	4.09
BOILERMAKERS	18.50	4.79
BRICKLAYERS, STONEMASONS, CEMENT MASONS (Building), & PLASTERERS	15.50	5.24
CARPENTERS, Building Millwrights & Piledrivermen	14.91	4.42
	15.74	4.63+a
CARPENTERS & PILEDRIVERMEN Heavy & Highway	12.94	4.405 +b
CEMENT MASONS Heavy & Highway	13.61	3.20+c
ELECTRICIANS	18.91	3.75+ 3.5%
ELEVATOR CONSTRUCTION: Elevator Constructors	18.245	3.580+ d+e
Helpers	12.77	3.580+ d+e
Probationary Helpers	9.12	
GLAZIERS	14.23	3.43
IRONWORKERS Ornamental, Reinforcing, Stone Derrickmen, Rigger, Rodman, Structural, Machinery Movers, Fence Erectors, Precast Concrete Erector	16.51	4.21
Sheeter	16.76	4.21
Sheeter Bucker-up	16.64	4.21
MARBLE, TILE & TERRAZZO WORKERS	17.00	3.49
MARBLE, TILE & TERRAZZO FINISHERS	13.05	4.38
PAINTERS Brush; Roller; Taper	14.77	4.01
Drywall wiper	14.97	4.01
Wallcovering; Stilts	15.02	4.01
Swing scaffold, window brackets or other hanged scaffold, cherry pickers, mechanical lifts & mechanical aerial ladders on or in building or structures 2 or more stories in height; structural steel or iron up to 40 feet	15.27	4.01
Spray painting, water hydroblasting & metal blasting; Mechanical taper	15.37	4.01
Structural steel and iron 40 ft. and over	15.27	4.01
Sandblasting (from ground or solid platform)	15.52	4.01
Sandblasting (from any hanging platform	15.77	4.01
Steeplejack:		
Brush & Roll	16.27	4.01
Spray painting	16.87	4.01
Sandblasting	17.27	4.01
Bridges:		
Brush & Roll	16.27	4.01
Spray	16.87	4.01
Sandblasting	17.27	4.01
PLUMBERS & STEAMFITTERS	17.74	5.845
POWER EQUIPMENT OPERATORS (Building Construction)		
Group I:		
121 ft. and under	16.18	4.55+h
Between 121 and 151 ft.	16.43	4.55+h
Between 151 and 201 ft.	16.68	4.55+h
Between 201 and 251 ft.	16.93	4.55+h
Between 251 and 301 ft.	17.43	4.55+h
Between 301 and 351 ft.	17.93	4.55+h
Between 351 and 401 ft.	18.43	4.55+h
Between 401 and 451 ft.	18.93	4.55+h
Group II	16.18	4.55+h
Group III	15.73	4.55+h
Group IV	14.20	4.55+h
Group V	11.60	4.55+h
POWER EQUIPMENT OPERATORS (Heavy & Highway Construction - Includes excavating for site preparation)		
Group I	16.27	4.30+i
Group II	15.76	4.30+i
Group III	14.11	4.30+i
Group IV	12.71	4.30+i
ROOFERS	16.69	2.40
SHEET METAL WORKERS	16.93	5.06
SOFT FLOOR LAYERS	15.01	3.09
SPRINKLER FITTERS	17.75	3.40

(3)

SUPERSEDEAS DECISION

STATE: IOWA

COUNTIES: ZONE 1-Black Hawk; ZONE 2-Clinton ZONE 3-Des Moines; ZONE 4-Dubuque; ZONE 5-Johnson; ZONE 6-Linn & ZONE 7-Polk

DECISION NO.: IA85-4047 DATE: Date of Publication

Supersedes Decison No. IA84-4043, dated June 15, 1984 in 49 FR 24856.

DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). DOES NOT APPLY TO WATER & SEWER TREATMENT PLANTS

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
ZONES 1,2,3,4,5 & 6	$16.86	2.40
ZONE 7	16.17	3.255
BOILERMAKERS	17.345	3.50
BRICKLAYERS & STONEMASONS:		
ZONE 1	12.58	2.87
ZONE 2:		
Jobs less than $250,000	12.72	1.37
Jobs over $250,000	14.13	1.37
ZONE 3	17.00	
ZONE 4	14.00	.57
ZONES 5 & 6	15.29	.57
ZONE 7	14.44	2.82
CARPENTERS:		
The frame construction or repair of nursing & retirement homes & apartments over 4 stories:		
The Cities of Burlington, Cedar Rapids, Des Moines, Dubuque & their abutting municipalities	9.10	1.43
Remainder of Counties	6.10	1.43
All other construction:		
ZONE 1:		
Carpenters, soft floor layers	10.00	2.78
Millwrights	10.60	2.78
ZONE 2:		
Carpenters	12.80	2.81
Piledrivermen	13.00	2.81
Millwrights	16.48	3.25
ZONE 3:		
Carpenters	14.00	1.08
Millwrights & piledrivermen	14.70	1.08
ZONE 4:		
Carpenters	11.62	1.05
Piledrivermen	12.02	1.05
Millwrights	12.12	1.05
ZONE 5:		
Carpenters & soft floor layers	12.24	1.90
Piledrivermen	12.74	1.90
Millwrights	15.48	3.25
CARPENTERS (CONT'D):		
All other construction (Cont'd):		
ZONE 6:		
Carpenters & soft floor layers	$12.96	1.90
Piledrivermen	13.46	1.90
Millwrights	15.48	3.25
ZONE 7:		
Carpenters	13.15	2.59
Millwrights & piledrivermen	13.50	2.59
Floor coverers	12.90	2.59
CEMENT MASONS:		
ZONE 1	9.50	2.50
ZONE 2	12.72	1.37
ZONE 3	15.30	
ZONE 4	12.68	
ZONES 5 & 6	12.94	1.00
ZONE 7	14.50	.94
ELECTRICIANS:		
ZONE 1	10.60	1.25+ 3.75%
ZONE 2 - Electricians	16.59	1.66+ 8%
Cable splicers	17.59	1.66+ 8%
ZONE 3	16.72	1.80+ 3.75%
ZONE 4	14.95	1.80+ 3.75%
ZONES 5 & 6	15.50	2.35+ 3.75%
ZONE 7	16.18	2.70+ 3.75%
ELEVATOR CONSTRUCTORS:		
ZONES 1,4,5 & 6:		
Mechanics	13.375	3.58+a
Helpers	70%JR	3.58+a
Helpers (Prob.)	50%JR	
ZONE 7:		
Mechanics	14.97	3.29+a
Helpers	70%JR	3.29+a
Helpers (Prob.)	50%JR	
GLAZIERS:		
ZONES 1 & 7	13.80	2.57+b+ 6.96%
ZONES 2,3,4,5 & 6	14.50	2.27

(4)

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
ZONE 1	$12.26	2.00
ZONE 2	16.20	3.335
ZONE 3:		
Maintenance projects of $200,000 & under & pre-engineered metal bldgs.	12.50	2.40
All other work	15.00	2.40
ZONES 4, 5 & 6	13.53	2.00
ZONE 7	13.52	3.01
LABORERS:		
ZONE 1 - Group 1	7.60	1.35
Group 2	7.75	1.35
Group 3	7.95	1.35
ZONE 2:		
All jobs totaling over $500,000:		
Group 1	11.63	1.45
Group 2	11.88	1.45
Group 3	11.93	1.45
All jobs totaling $500,000 or less:		
Group 1	10.28	1.45
Group 2	10.53	1.45
Group 3	10.58	1.45
ZONE 3:		
Construction laborer (all projects with a total volume of $200,000 & under) or projects with a total volume of $325,000 & under for remodeling & additions which change the appearance or purpose of any type of present existing structures & renovation for any work or replacement of any existing machinery or structure or related manufacturing items, within any type of manufacturing complex	10.00	1.70
Construction laborer (All other work)	11.00	1.70
Powderman	11.00	1.70
Mason Tender	11.16	1.70
Creosote & tarring	11.50	1.70
LABORERS (CONT'D):		
ZONE 4	10.65	.90
ZONE 5	10.00	1.50
ZONE 6	9.61	1.56
ZONE 7 - Group 1	12.305	1.71
Group 2	12.405	1.71
Group 3	12.43	1.71
Group 4	12.455	1.71
Group 5	12.505	1.71
Group 6	12.605	1.71
LATHERS:		
The frame construction or repair of nursing & retirement homes & apartments over 4 stories:		
The cities of Burlington, Cedar Rapids, Des Moines, Dubuque & their abutting municipalities	9.10	1.43
Remainder of Counties	6.10	1.43
All other work:		
ZONE 1	9.00	2.78
ZONE 2	12.83	2.71
ZONE 3	14.00	1.08
ZONE 4	11.62	1.05
ZONES 5 & 6	11.74	1.93
ZONE 7	13.15	2.59
LINE CONSTRUCTION (excluding ZONES 2 & 4):		
GROUP 1 - Lineman, all rigs setting assembled "H" fixtures, steel & concrete transmission structures	16.74	1.25+c +7.5%
GROUP 2-Blaster	13.39	1.25+c +7.5%
GROUP 3 - Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures	13.59	1.25+c +7.5%
GROUP 4 - Groundman	11.13	1.25+c +7.5%
GROUP 5 - Groundman, truck driver	11.05	1.25+c +7.5%

(5)

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION (CONT'D):		
GROUP 6 - Pole treating truck driver	10.71	1.25+c +7.5%
GROUP 7 - Pole treating specialist	12.89	1.25+c +7.5%
MARBLE, TILE & TERRAZZO WORKERS & FINISHERS:		
ZONE 1 - Tile Setters	12.88	.90
ZONE 2 - Marble Setters	12.72	1.37
ZONE 4 - Marble Setters	13.25	.57
ZONES 5 & 6 - Tile Setters	14.93	.80
ZONE 7:		
Marble, tile & terrazzo workers	14.79	
Marble, tile & terrazzo finishers	12.09	
PAINTERS:		
ZONE 1:		
Journeyman painters	11.01	.83
Spray	11.91	.83
ZONE 2:		
Brush or roller	12.50	3.49
Spray, structural steel, sandblasting, drywall tapers	13.00	3.49
ZONE 3:		
Brush & paperhangers, drywall finishers	13.00	.50
Roller	13.10	.50
Structural steel (over 25 ft.) & sandblasting	15.00	.50
Spray	14.00	.50
Sign	13.50	.50
ZONE 4:		
Brush & roller: paperhanging: taping drywall	11.25	1.60
High work & steel, spray	11.80	1.60
ZONES 5 & 6:		
Brush, roller	13.75	1.00
Paperhanger	14.00	1.00
Sandblasting	14.75	1.00
Spray	14.25	1.00
Drywall taper & finisher	14.25	1.00
ZONE 7:		
Journeyman painters	14.77	.85
Sandblaster, spray, swing stage & boatswain chair, window jack, ladder work, over 2 stories & structural steel	15.27	.85
PLASTERERS:		
ZONE 1	11.75	.45
ZONE 2	12.72	1.37
ZONE 3	15.30	
ZONE 4	12.50	
ZONES 5 & 6	15.12	
ZONE 7	14.325	.90
PLUMBERS & PIPEFITTERS:		
ZONE 1	15.96	3.74
ZONE 2	16.60	2.85
ZONE 3	15.65	3.30
ZONE 4	15.42	2.63
ZONES 5 & 6	15.05	2.27
ZONE 7	15.99	3.15
POWER EQUIPMENT OPERATORS:		
ZONES 1,4,5 & 6:		
GROUP 1	13.00	2.25
GROUP 2	11.72	2.25
GROUP 3	10.00	2.25
GROUP 4	9.00	2.25
ZONES 2 & 3:		
GROUP 1	15.25	2.98
GROUP 2	13.85	2.98
GROUP 3	12.80	2.98
ZONE 7:		
GROUP 1	13.98	2.25
GROUP 2	13.725	2.25
GROUP 3	12.03	2.25
GROUP 4	11.205	2.25
ROOFERS:		
ZONE 1	12.76	
ZONE 2	14.40	2.96
ZONE 3	15.63	
ZONE 4	12.16	.50
ZONES 5 & 6	12.40	
ZONE 7	12.25	2.05
SHEET METAL WORKERS:		
ZONE 1	12.91	2.71
ZONES 2,3 & 4	14.02	3.08+ 3%
ZONES 5 & 6	14.12	1.16+ 3%
ZONE 7	16.13	2.48
SPRINKLER FITTERS	17.00	3.40
TRUCK DRIVERS:		
ZONE 1	7.47	1.85
ZONE 3:		
Jobs $200,000 & under & remodeling & addition work with a total volume of $325,000 or less:		
GROUP 1	11.12	28.50 per/wk
GROUP 2	11.33	"
GROUP 3	11.43	"

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS (CONT'D):		
ZONE 3 (Cont'd)		
All other work:		
GROUP 1	12.12	28.50 per/wk
GROUP 2	12.33	"
GROUP 3	12.43	"
ZONES 5 & 6:		
Flat bed trucks & dump truck (single axle)	9.025	104.70 wk + e
Drivers on 10 wheelers (tandem axle) trucks & semi-trailer & tractor combinations	9.125	"
ZONE 7:		
Pickups, dumpsters	9.83	96.50 wk + e
Winch trucks dumpcrete & scoopmobiles	9.88	"
Semis	9.98	"
Tandem trucks	10.08	"

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - Employer contributes 8% of basic hourly rate for over 5 yrs. service & 6% of basic hourly rate for 6 mos. to 5 yrs. service as Vacation Pay Credit. Also Seven Paid Holidays A thru G
b - Six Paid Holidays A thru E + G
c - Seven Paid Holidays A thru G
d - 1 week vacation with pay with 1 yr. service; 2 weeks vacation with pay after 2 yrs. service & 3 weeks vacation with pay after 10 yrs. service
e - All employees accumulating 1 yr. service shall receive & take 1 week vacation with pay. All employees accumulating 3 yrs. or more of service shall receive & take 2 weeks vacation with pay. All employees accumulating 10 yrs. or more of service shall receive & take 3 weeks vacation with pay.

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

Unlisted classifications needed for work not included within the scope of classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1
GROUP 1 - Common laborers; carpenter tenders; moving, wrecking and demolition
GROUP 2 - Mason tenders; hod carriers; machines and air tool operators
GROUP 3 - Powderman
LABORERS - ZONE 2
GROUP 1 - Common laborers
GROUP 2 - Jackhammers over 60 lbs.
GROUP 3 - Cutting torch burner
LABORERS - ZONE 7
GROUP 1 - General laborers
GROUP 2 - Mortar, mixers; motor buggies when pouring concrete; power tool ops. (air tools, concrete, vibrator, gunnite nozzlemen, electric drills and hammers)
GROUP 3 - Plasterers' tenders
GROUP 4 - Powdermen
GROUP 5 - Air tool, power tampers and other similar self-powered tools weighing 50 lbs. and over
GROUP 6 - Paving breakers weighing 50 lbs. and over

POWER EQUIPMENT OPERATORS - ZONES 1, 4, 5, 6 & 7
GROUP 1 - Cranes, incl. those being used as backhoe, dragline, clamshell, etc.; tower cranes; electric overhead cranes; truck cranes and cherry pickers 12.5 ton and over rated capacity; derricks; piledrivers and extractors; caisson rigs; sideboom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotives; dredge (leverman)
GROUP 2 - 1 & 2 drum hoists; air & electric tuggers (on power plants or setting of steel or grating); ecconomobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge engineer; sideboom & winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes & cherry pickers (under 12.5 ton); concrete mixers (1 yd. & over); ditching machines (8" & over); forklifts (on steel erection & machinery moving or hoisting above one complete story); concrete pump; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (Konaco, C-450 or equil); working boat (tug, tow, etc.); group greaser
GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; firemen (boiler); fork lifts (other than Group No. 2); gunnite machines; self-propelled rollers; stump chippers; self-propelled tampers; air & electric tuggers (other than above); ditching machines under 8" pile threader
GROUP 4 - Mechanical heaters; truck crane drivers; permanent elevators; air compressors (one or a combination of 400 cfm or more); pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; generator (75 KW & over); dewatering pumps; boat used for personnel transport or as a safety boat

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - ZONES 2 & 3
GROUP 1 - All hoists or steel erecting equip.; crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader (servicing 2 pavers), asphalt spreader, asphalt mixer plant engineer, dipper dredge op.; dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (hydraulic dredge), mechanic, paving mixer with tower attach (2 ops. required), piledriver, boom tractor, stationary, portable or floating mixing plant, trenching machine (over 40 HP), building hoist (2 drums), hot paint wrapping machine, cleaning & priming machine, backfiller (throw bucket), locomotive engineer, qualified welder; tow or push boat, concrete paver, seaman trav-l-plant or similar machines, CMI, autograder or similar machines, slip form paver, caisson auguering machine, mucking machine, asphalt heater-planer unit, hydraulic cranes, nine hoists; athey, barber-green, euclid or haiss loader, asphalt pug mill, fireman & drier, concrete spreader (servicing 1 paver), bulldozer endloader, log chippers or similar machines, elevating grader, group equipment greaser, letourneaupull & similar machines, DW-10, hyster winch & similar machines, motor patrol, power blade, push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor w/ power attachments, roller on asphalt or blacktop, single drum hoist, jaeger mix & plane machine, pipe bending machines, flexoplane or similar machines, automatic curbing machines, automatic cement & gravel batch plant (1 stop set-up), seaman pulvi-mixer or similar machines, blaw-knox self-propelled rotary drill or similar machines, work boat, combination concrete finishing machine & float, self-propelled sheepsfoot roller or compactor (used in conjunction with grading spread), asphalt spreader screen op.; aspop spreader or similar machine, slusher, forklift (over 6000 lbs. capacity or working at heights above 28 ft.); concrete conveyors, concrete pump
GROUP 2 - Asphalt booster, fireman & pump op. at asphalt plant, mud jack, under-ground boring machine, concrete finishing machines, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, dope pot (agitating motor), dope chop machine, distributor (back end), straddle carrier, portable machine fireman, hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump op. (more than 1 well point pump), portable crusher, trench machine (under 40 HP), power subgrader (no forms) or similar machines, forklift (6000 lbs. or less capacity), gypsum pump, conveyor over 20 HP, fuller kenyon cement pump or similar machines, light plant, mixers (1 or 2 bag), power batching machines (cement auger or conveyor), boiler (engineer or fireman), water pumps, mechanical broom, automatic cement & gravel batch plant (2 or 3 stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine
GROUP 3 - Oiler, mechanical heater (other than steam boiler), belt machine, small outboard motor boat, engine driven welding machine

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - ZONE 3
GROUP 1 - Warehousemen, greasers; drivers on single axle flat beds & dump trucks; drivers pulling air compressors & welding machine, batch trucks 2-34E batches or less & chip spreaders
GROUP 2 - Drivers on chester axle & tandems; drivers on all 6-wheel trucks, semi-trailers, carryall, winch trucks & mixer trucks; drivers on batch trucks over 2-34E; drivers on A-frame trucks & pole trailers
GROUP 3 - Drivers on track truck, euclid-type truck; front & rear, all types of dumpsters & pavement breakers

STATE: Missouri COUNTIES: Pettis and Saline
DECISION NO.: MO85-4048 DATE: Date of Publication
Supersedes Decision No. MO84-4097 dated October 5, 1984 in 49 FR 39434.
DESCRIPTION OF WORK: Building projects, (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	17.29	4.85
BOILERMAKERS	17.345	3.50
BRICKLAYERS, STONEMASONS, TILE LAYERS	14.50	1.00
CARPENTERS (PETTIS COUNTY):		
Carpenters & Lathers	13.50	1.53
Millwrights	14.00	1.53
Piledrivers	13.625	1.53
CARPENTERS (SALINE COUNTY):		
Carpenters & Lathers	14.25	2.82
Millwrights & Pile-driverman	16.35	2.82
CEMENT MASONS	13.98	
ELECTRICIANS (PETTIS CO.):		
Contracts not exceeding 2000 man hours	15.74	3.01+ 10%
Contracts exceeding 2000 man hours	16.74	3.01+ 10%
ELECTRICIANS (SALINE CO.):		
Contracts not exceeding 2000 man hours	15.14	3.01+ 10%
Contracts exceeding 2000 man hours	16.74	3.01+ 10%
ELEVATOR CONSTRUCTORS:		
Elevator Constructors	17.445	3.29+a
Elevator Constructors' Helpers	70%JR	3.29+a
Elevator Constructors' Helpers (Prob.)	50%JR	
IRONWORKERS	14.51	3.37
PAINTERS:		
Brush	14.50	
Spray; Sandblasting	15.50	
Machine taping; outside work on swing stages, window jacks, with belts or boatswain's chair	15.00	
GLAZIERS	14.665	3.56+ 17.14%

	Basic Hourly Rates	Fringe Benefits
PIPEFITTERS	18.99	3.52
PLASTERERS	13.66	
PLUMBERS	17.17	2.90
ROOFERS	16.48	2.91
SHEET METAL WORKERS	16.75	2.78
MARBLE & TILE SETTERS	18.27	12%
TILE SETTERS FINISHERS	14.40	
TERRAZZO WORKERS	17.56	12%
TERRAZZO FINISHERS	13.58	
TERRAZZO BASE MACHINE OP.	13.93	
LABORERS (PETTIS CO.):		
GROUP 1	10.075	3.10
GROUP 2	10.175	3.10
GROUP 3	10.40	3.10
LABORERS (SALINE CO.):		
GROUP 1	10.20	3.55
GROUP 2	10.35	3.55
GROUP 3	10.50	3.55
POWER EQUIPMENT OPERATORS:		
Building Construction		
GROUP 1	16.36	4.05
GROUP 2	16.01	4.05
GROUP 3:		
(a)	10.95	4.05
(b)	14.11	4.05
(c)	11.75	4.05
(d)	14.36	4.05
GROUP 4	16.61	4.05
GROUP 5	16.26	4.05
GROUP 6	16.86	4.05
GROUP 7:		
(a)	16.46	4.05
(b)	16.21	4.05
(c)	14.21	4.05
GROUP 8	17.36	4.05
GROUP 9	16.86	4.05

LABORERS CLASSIFICATION DEFINITIONS PETTIS COUNTY

GROUP 1 - Carpenter tenders; track men; wreckers (alterations or entire project); reinforcingrod carriers; all other general laborers
GROUP 2 - Plumber laborers; stonemasons tenders; air tool operators; sewer work; water lines; conduit pipe; drain tile & duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; scaleman; jackhammer; chipping hammer operators; material batch hopper man; spreader or screed man on asphalt machine; brush fedders on pulverizers; swinging scaffold; cement handlers (bulk or sack); laser beam man; chain or concrete saw
GROUP 3 - Plaster tenders; hod carriers; brick tenders; cutting torch & burner men; asphalt rakers; barco tamper; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzleman; head pipe layer on sewer work; men working in tunnels; head formsetters & stringline men; hot tar applicator

LABORERS CLASSIFICATION DEFINITIONS SALINE COUNTY

GROUP 1 - Common labor, wire mesh handlers or setters, carpenter tender; trackmen; flagger; signalmen; salamander tenders; floor cleaners; landscape men; sod layers; wreckers (for alteration or entire projects)
GROUP 2 - Plumber laborers (conduit pipe, sewerwork, drain tile & duct lines, digging & back filling); power tool operators;pier hole diggers (over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators, concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds; cutting torch or burner men; georgia buggies (self-propelled); fork lift, hoseman; insulation men
GROUP 3 - Fork lift (masonry); brick tenders; plasterer tenders; stone mason tenders; barco, Jackson or similar tamp operators; asphalt raker; powdermen; mastic hot kettlemen; sandblasting & gunite nozzle men; wagon & churn drill operators

POWER EQUIPMENT OPERATORS

GROUP 1 - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welders; mucking machines; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP II - Boilers (1); Brooms - power operated; chip spreader (front man); Clef plane operator; compressors(1) 125' or over; concrete saws, self-propelled); crab - power operated; curb finishing machine; fireman on rigs; flex plane, floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies; sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tandem; compressors single, truck mounted; elevator; finishing machine
GROUP III:
(a) Oilers
(b) Fork lift - masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.
GROUP IV:
Clamshells, 100 ft. of boom or over (excluding jib); crane or rigs, 100 ft. of boom or over (excluding jib); draglines, 100 ft. of boom or over (excluding jib); pile drivers, 100 ft. of boom or over (excluding jib)
GROUP V:
Hoists-each additional drum over 1 drum
GROUP VI
Crane or rigs, over 200 ft. of boom
GROUP VII:
Ready Mixed Concrete Plants:
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor operator
GROUP VIII:
Master Mechanic
GROUP IX:
Crane-tower or climbing

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

FOOTNOTE:
A - Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 mos. to 5 years service as Vacation Pay Credit, also 7 paid holidays A thru G.

PAID HOLIDAYS: A-Christmas Day; B-New Year's Day; C-Labor Day; D-Memorial Day; E-Independence Day; F-Thanksgiving Day; G-Friday after Thanksgiving Day.

SUPERSEDEAS DECISION

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX85-4050
COUNTIES: Jefferson & Orange
DATE: Date of Publication
Supersedes Decision No. TX85-4019 dated June 14, 1985, in 50 FR 25006.
DESCRIPTION OF WORK: Building (including Residential) Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Jefferson County	13.23	3.23
Orange County	19.145	2.335
BOILERMAKERS	15.875	3.20
BRICKLAYERS & STONEMASONS:		
All refractory & acid proofing work & Commercial	15.39	2.50
Residential	13.80	2.50
CARPENTERS:		
Carpenters - Commercial	12.10	3.065
Carpenters - Residential const. of not more than 2 units & condominium townhouses of not more than 10 units excluding all apt. const. & multiple bldgs. for rental purposes	16.09	3.065
Millwrights	14.495	2.95
Piledrivermen	14.40	2.90
CEMENT MASONS	15.00	
ELECTRICIANS	16.90	1.59+ 3%
ELEVATOR CONSTRUCTORS:		
Mechanics	15.195	3.29+a
Helpers	70%JR	3.29+a
Helpers (Prob.)	50%JR	
GLAZIERS:		
Northern 1/2 Jefferson Co	12.29	.02
Southern 1/2 Jefferson Co & all of Orange Co.:		
Commercial	12.21	2.29
Residential	10.21	2.29
IRONWORKERS	14.51	3.00
LABORERS:		
GROUP 1	9.27	1.63
GROUP 2	9.49	1.63
LATHERS	12.10	3.065
LINE CONSTRUCTION:		
Linemen & cable splicers	20.77	1.00+ 3.5%
Groundmen	15.16	1.00+ 3.5%

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Northern 1/2 of Jefferson County:		
Brush & hand cleaning operations:		
Commercial	14.50	1.79
Residential	13.79	1.79
Spray, roll, vinyl, tape, float, texture, paper, sign painters & power tool operations:		
Commercial	15.10	1.79
Residential	14.29	1.79
Southern 1/2 of Jefferson Co. & all of Orange Co.:		
Brush, roller, drywall finisher:		
Commercial	12.21	2.29
Residential	10.21	2.29
Spray, sandblast, paperhanger, drywall finish with mechanical tools:		
Commercial	12.81	2.29
Residential	10.21	2.29
PIPEFITTERS	17.84	2.50
PLASTERERS	16.55	1.94
PLUMBERS	18.71	1.09
POWER EQUIPMENT OPERATORS:		
GROUP 1	17.985	1.65
GROUP 2	15.21	1.65
GROUP 3	13.99	1.65
GROUP 4	13.74	1.65
ROOFERS:		
Roofers	12.00	2.08
Kettlemen	10.50	2.08

	Basic Hourly Rates	Fringe Benefits
SHEET METAL WORKERS:		
Commercial	17.43	3.11+ 3%
Work on a single family dwelling of multiple family housing units less than 3 stories in height where each individual family apt. is individually conditioned by a separate & independent unit or system	12.20	3.11+ 3%
SPRINKLER FITTERS	16.66	3.40
TILE SETTERS:		
Commercial	15.55	2.50
Residential	13.96	2.50
TRUCK DRIVERS:		
GROUP 1 - Under 1-1/2 ton	13.99	1.25
GROUP 2 - 1-1/2 tons thru 2-1/2 tons	14.78	1.25
GROUP 3 - Dump truck less than 7 yds.	15.07	1.25
GROUP 4 - Over 2-1/2 tons; euclids (not self-loading)	15.25	1.25

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - the Friday after Thanksgiving Day; G - Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate: Also seven paid holidays A thru G

LABORERS CLASSIFICATION DEFINITIONS
GROUP 1 - All hand digging & dirt work; backfilling; loading & unloading of material to & from hoist or cages; loading & unloading of tools & equip.; handling of lumber, steel, cement; distribution of materials; wrecking & razing of bldgs. & structures; storing materials & tools in & out of receiving lots & sheds; dumper; spotter; carpenter tender & all construction work not hereinafter classified
GROUP 2 - Air power tool op.; cutting torch op.; gunnite rebound man; machine ops.; power buggy; sandblaster (potmen); drill tenders; concrete grademen; wagon drill op.; metal pan & steel form men; conc. burner; cement mason tender; hod carries, mortar mixers, plaster tenders & brick mason tenders; pipelayer, pumpcrete nozzlemen; scaffold builder; water pump op.; tank cleaning; all pipe cleaning & wrapping; mortar & plaster mixing machines; grout machines; pumpcrete machines; gunnite mixing machines, incl. placing & cleaning of all pipe & conduits used in placing of concrete; powdermen & blasters-sandblaster; gunnite workers; terrazzo grinders; concrete flaggers

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; Blade grade, self-propelled; Bullclam; Backfiller; Derrick, power operated all types; Draglines; Push cat; Bulldozer & all types of cat tractors; Cableway; Backhoe; Shovel; Cranes, power operated, all types; Elevating grader, self-propelled; Hoist-motor driven, two drum or more; Mixmobile; Winch truck; Locomotive crane; Mixer, 14 cu. ft. or more; Paving mixer, all sizes; Piledrivers; Scrapers-heavy type, over 3 cu. yds; Trench machine, all sizes; Gradeall; High-lift; Foundation boring machines; Gasoline or diesel driven welding machines - 7 to 12 machines; Pumpcrete machine; Drill op. - water well; DW-10 euclid; Tournapulls; Asphalt plants; Crushing machine & batch plants; Scoopmobiles; Fingerlift op.; Elevator when used to haul men or material on const. work; Well point system & operation of similar dewatering devices

GROUP 2 - Air compressor; Blade grade - towed; Flex plane, Form grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck crane driver; Gasoline or diesel welding mach., 3 to 6 machines; Hoist, single drum; Scraper, 3 cu. yds. or less; Conveyors, power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 85-27074 Filed 11-14-85; 8:45 am]

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federal register

Friday
November 15, 1985

Part III

Office of Management and Budget

Budget Rescissions and Deferrals; Cumulative Reports; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

November 1, 1985.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of November 1, 1985, of 23 deferrals contained in the first special message of FY 1986. There were no rescissions proposed. This message was transmitted to the Congress on October 1, 1985.

Rescissions (Table A and Attachment A)

As of November 1, 1985, there were no rescission proposals pending before the Congress.

Deferrals (Table B and Attachment B)

As of November 1, 1985, $1,614.4 million in 1986 budget authority was being deferred from obligation.

Attachment B shows the history and status of each deferral reported during FY 1986.

Information from Special Messages

The special message containing information on the deferrals covered by this cumulative report is printed in the **Federal Register** listed below:

Vol. 50, FR p. 41100, Tuesday, October 8, 1985

James C. Miller III,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1986 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	0
Accepted by the Congress	0
Rejected by the Congress	0
Pending before the Congress	0

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TABLE B

STATUS OF 1986 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$1,628.8
Routine Executive releases through November 1, 1985	-14.3
Overturned by the Congress	0
Currently before the Congress	$1,614.4

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1986

As of November 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
None.								

Attachment B - Status of Deferrals - Fiscal Year 1986

As of November 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 11-1-85
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs...	D86-1	10,000		10-1-85					10,000
DEPARTMENT OF AGRICULTURE									
Forest Service									
Expenses, brush disposal.....	D86-2	77,913		10-1-85					77,913
Timber salvage sales.....	D86-3	22,854		10-1-85					22,854
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction									
Military construction, all services.....	D86-4	353,079		10-1-85	5,298				347,781
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation.....	D86-5	1,168		10-1-85					1,168
DEPARTMENT OF ENERGY									
Energy Programs									
Fossil energy research and development.....	D86-6	9,247		10-1-85					9,247
Fossil energy construction.....	D86-7	7,038		10-1-85					7,038
Naval petroleum and oil shale reserves.....	D86-8	155,668		10-1-85					155,668
Energy conservation.....	D86-9	9,880		10-1-85					9,880
SPR petroleum account.....	D86-10	536,958		10-1-85					536,958
Alternative fuels production.....	D86-11	1,149		10-1-85					1,149

Attachment B - Status of Deferrals - Fiscal Year 1986

As of November 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 11-1-85
Power Marketing Administration									
Southeastern Power Administration, Operation and maintenance	D86-12	25,344		10-1-85	536				24,808
Southwestern Power Administration, Operation and maintenance	D86-13	5,000		10-1-85					5,000
Western Area Power Administration, Construction, rehabilitation, operation and maintenance	D86-14	27,095		10-1-85					27,095
Departmental Administration									
Departmental administration	D86-15	8,501		10-1-85	8,501				0
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Assistant Secretary for Health									
Scientific activities overseas (special foreign currency program)	D86-16	3,000		10-1-85					3,000
DEPARTMENT OF JUSTICE									
Bureau of Prisons									
Buildings and facilities	D86-17	20,000		10-1-85					20,000
Office of Justice Programs									
Crime victims fund	D86-18	100,000		10-1-85					100,000
DEPARTMENT OF STATE									
Bureau of Refugee Programs									
United States emergency refugee and migration assistance fund, executive	D86-19	18,082		10-1-85					18,082
Other									
Assistance for implementation of a Contadora agreement	D86-20	2,000		10-1-85					2,000

Attachment B - Status of Deferrals - Fiscal Year 1986

As of November 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 11-1-85
DEPARTMENT OF TRANSPORTATION									
Urban Mass Transportation Administration Discretionary grants	D86-21	223,600		10-1-85					223,600
OTHER INDEPENDENT AGENCIES									
Pennsylvania Avenue Development Corporation Land acquisition and development fund	D86-22	10,947		10-1-85					10,947
Railroad Retirement Board Milwaukee railroad restructuring, administration	D86-23	243		10-1-85					243
TOTAL, DEFERRALS		1,628,765	0		14,335	0		0	1,614,430

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[FR Doc. 85-27247 Filed 11-14-85; 8:45 am]
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federal register

Friday
November 15, 1985

Part IV

Department of Agriculture

Animal and Plant Health Inspection Service

9 CFR Part 85

Pseudorabies; Interstate Dissemination Prevention Provisions; Final Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 85

[Docket No. 85-077]

Pseudorabies; Interstate Dissemination Prevention Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends portions of the pseudorabies regulations which regulate the interstate movement of livestock to prevent the interstate dissemination of pseudorabies. Specifically, this document provides an alternative method by which a herd of swine can be removed from the "Known infected herd" classification; provides an alternative method by which a herd of swine can attain or regain status as a qualified pseudorabies negative herd; provides an improved method by which the pseudorabies disease status of swine in pseudorabies controlled vaccinated herds can be monitored; gives shippers alternative means by which swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies can be moved interstate to approved livestock markets, quarantined feedlots, feedlots, and quarantined herds; and gives shippers alternative means by which swine infected with or exposed to pseudorabies can be moved interstate for slaughter. The intended effect of this action is to clarify the regulations and allow more latitude for the interstate movement of livestock without increasing the danger of spreading pseudorabies.

EFFECTIVE DATE: December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. L. W. Schnurrenberger, Special Diseases Staff, VS, APHIS, USDA, Room 822, Federal Building, 6506 Belcrest Road, Hyattsville, MD 20782, 301-436-8487.

SUPPLEMENTARY INFORMATION:

Background

Pseudorabies, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is primarily a disease of swine caused by a herpes virus. Pseudorabies regulations (contained in 9 CFR Part 85 and referred to below as the regulations) were initially established in 1979 (see 44 FR 10306-10313) for the purpose of helping to prevent the interstate spread of pseudorabies. On November 3, 1982, the Department published a document in the **Federal Register** proposing numerous amendments to the regulations. A second proposal, with changes based on the comments that were submitted in response to the first proposal, was published on April 16, 1985 (see 50 FR 14931-14939).

This Final Rule provides an alternate method by which a herd of swine can be removed from the "known infected herd" classification; provides an alternate method by which a herd of swine can attain or regain status as a qualified pseudorabies negative herd; provides an improved method by which the pseudorabies disease status of swine in pseudorabies controlled vaccinated herds can be monitored; gives shippers alternate means by which swine, not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies, can be moved interstate to approved livestock markets, quarantined feedlots, feedlots, and quarantined herds; and gives shippers alternate means by which swine infected with or exposed to pseudorabies can be moved interstate for slaughter.

The second proposal invited the submission of written comments on or before May 31, 1985. A document published in the **Federal Register** on May 31, 1985 (see 50 FR 23138) extended the comment period July 1, 1985. Sixteen comments were received. These comments were from State Departments of Agriculture, individual pork producers, and other representatives of the swine and farm industries and related groups. Two of the comments supported the entire proposal. One comment questioned the timing of the proposed amendments. The other 13 comments addressed specific issues raised by the proposal.

All of the comments have been carefully considered. Further, all of the comments, except for those comments indicating approval of the second proposal without any basis for approval beyond the rationale contained in the proposals are discussed below. Based on the rationale set forth in the proposals and in this document, the provisions of the second proposal have been adopted as a Final Rule, except as explained below.

General Comments

One commenter asserted that no amendments should be made to the regulations until research on pseudorabies currently being done in pilot projects is completed. No changes are made based on this comment. APHIS believes that the current regulations concerning pseudorabies should be amended as is necessary and desirable at this time, without waiting for completion of the pilot projects. The amendments to the regulations made by this document are primarily to remove inconsistencies and clarify existing requirements. At the time the pilot projects are completed and the results of the research available, further amendments to the regulations may be considered.

Section 85.1(1), Known Infected Herd

Section 85.1(1) of the current regulations defines "known infected herd". The definition, among other things, provides two methods by which a herd of swine which is classified as a "known infected herd" may be removed from that classification. One of these methods requires, among other things, that after all positive swine are removed from the premises, all swine in the herd must be subjected to an official pseudorabies serologic test and found negative. In the proposal it was proposed to amend these provisions by exempting pigs which are nursing from their mothers from the testing provisions.

Five of the comments received addressed this proposed reduction in testing. One comment stated that all swine under 6 months of age should be exempted from testing. Another stated that "a sampling (at random) of feeder swine on the premises under six months is sufficient to detect any pseudorabies in the herd." A third comment endorsed the exemption for nursing pigs, but proposed a different method for quarantine release; namely, that 2 negative tests on the breeding herd and on all replacement gilts be conducted, with six months between tests. A fourth comment also suggested 2 tests, 30 to 60 days apart, on a statistical sampling of "each separated group of weaned pigs on the premises. Each statistical sample shall be adequate to detect a 10% infection rate with 95% reliability." The fifth comment received on this topic suggested both that all animals in the herd be tested, as is currently required, and that only a stated portion of the animals in a herd, except for breeding herds, be tested. This comment stated that in breeding herds all animals over 6 months of age should be tested. Finally this comment suggested that all such testing should be repeated every 5 to 7 months following release of the quarantine.

APHIS has carefully considered these comments and has determined that no changes should be made in the proposed amendments to § 85.1(1) based on these comments. However, APHIS has also

determined, based on these comments, that possible further reductions in testing required to remove a herd of swine from the "known infected herd" classification should be considered. If a determination is made that further reductions in the amount of testing required can be made without posing any additional disease threat, a separate proposed rulemaking will be published.

In the proposals, it was also proposed to amend § 85.1(1)(2) by providing an additional method for removing certain swine herds from the "known infected herd" classification. In this connection, it was proposed that a herd of swine would be eligible to be removed from classification as a "known infected herd" if the herd of swine has been released from pseudorabies quarantine in accordance with the following provisions:

> In a herd of swine in which [swine] are positive to an official pseudorabies serologic test but no swine are positive at titers greater than 1:8, all titered swine are subjected to another official pseudorabies serologic test and found negative; and all other swine in the herd which an epidemiologist, approved by the State animal health official and the Area Veterinarian in Charge, requires to be subjected to an official pseudorabies serologic test are tested and found negative. [footnote deleted]

One comment was received which addressed this issue. The commenter stated that they concurred with the idea, but that all breeding swine should be tested, rather than just all titered swine, and if such swine were found to be negative, the herd should be removed from quarantine.

No changes are made in the proposal based on this comment. APHIS believes that to test all breeding swine in the herd would be to require unnecessary testing. Such additional testing would be unlikely to provide additional information concerning the incidence of pseudorabies in the herd. Useful information would be obtained only from tests of the titered swine, whose disease status was unresolved based on the earlier required test, and of all other swine which an epidemiologist has determined should be tested.

From Known Infected Herd to Qualified Pseudorabies Negative Herd

In the proposal it was proposed to amend the procedures in § 85.1(ee) for attaining qualified pseudorabies negative herd status to require that such status could not be attained by a herd which had been classified as a "known infected herd" within 30 days of the test necessary to qualify the herd as a qualified pseudorabies negative herd.

Only one comment was received on this issue. It stated that status as a qualified pseudorabies negative herd should not be given until the herd had been free of pseudorabies for 12 months. No changes are made based on this comment.

As stated in the second proposal at 50 FR 14932–14933:

> Under the proposed provisions of §§ 85.1(ee) and 85.1(1)(2)(i), a previously infected herd could not become a qualified pseudorabies negative herd for a minimum of 60 days. A herd determined to have had pseudorabies would not be eligible to be removed from 'known infected herd' status unless swine in the herd were tested and found negative 30 days or more after removal of the infected swine. Then it would take an additional 30-day period before a herd could be tested to qualify as a 'qualified pseudorabies negative herd.' Based on Departmental expertise, it appears that these procedures for changing the designation of herds would be adequate to allow such herds to be designated as 'qualified pseudorabies negative herds' without the herds having a significant risk that pseudorabies would be present in the herd or on the premises.

APHIS reaffirms this rationale.

Section 85.1(ee), Qualified Pseudorabies Negative Herds

In the proposal it was proposed to amend the procedures in § 85.1(ee) for attaining or regaining qualified pseudorabies negative herd status to require that all swine in the herd, regardless of age, except swine nursing from their mother, must be subjected to an official pseudorabies serologic test and found negative. Under the current regulations, qualified pseudorabies negative herd status is attained or regained by subjecting all swine over 6 months of age to an official pseudorabies test and finding all swine so tested negative. The proposed amendment to this section would require additional swine to be tested in order for a herd of swine to regain status as a qualified pseudorabies negative herd.

Three comments were received on this issue. One commenter appeared to favor the proposed amendments. A second commenter favored testing only swine over 6 months of age on the second required test; stating that to test more swine would not provide more information. The third commenter stated that if a herd is already released from quarantine, in order to regain status as a qualified pseudorabies negative herd it should have to meet only the testing requirements required of any negative herd or herd of unknown status in order to attain status as a qualified pseudorabies negative herd.

APHIS has carefully considered these comments. It appears that the proposed amendment should be adopted as to the first test required, but not as to the second test required by the regulations. The change as to the first test is needed to conform the testing requirements concerning qualified pseudorabies negative herds to the testing requirements for release of known infected herds from quarantine. However, testing only those swine over 6 months of age on the second test, conducted after the herd has been released from quarantine, as is currently required by the regulations, appears to be adequate to requalify a herd as a qualified pseudorabies negative herd, and would conform the testing requirements required of all herds which are being tested for qualified pseudorabies negative herd status.

The proposal also proposed to amend § 85.1(ee) in order to require that:

> All swine intended to be added to a qualified pseudorabies negative herd shall be isolated until the swine have been found negative to two official pseudorabies serologic tests, one conducted 30 days or more after the swine have been placed in isolation, the second test being conducted 30 days or more after the first test; except (i) swine intended to be added to a qualified pseudorabies negative herd directly from another qualified pseudorabies negative herd may be added without isolation or testing; (ii) swine intended to be added to a qualified pseudorabies negative herd from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd, shall be isolated until the swine have been found negative to an official pseudorabies serologic test, conducted 30 days or more after the swine have been placed in isolation; (iii) swine returned to the herd after contact with swine other than those from a single qualified pseudorabies negative herd shall be [isolated] until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation.

Five comments addressed these proposed changes. Three comments were favorable. One commenter stated that "implementation of and enforcing the provision of two negative tests before adding swine to a qualified herd will be extremely difficult." Another commenter stated that no animals, regardless of source, should be allowed to be added to a qualified herd without isolation for 30 days and retesting.

No changes are made based on these comments. The Department does not agree that no animals, even those from qualified pseudorabies negative herds, should be added to a qualified pseudorabies negative herd without

isolation for 30 days and retesting. The Department does not believe that such precautions would contribute meaningfully to efforts to control the spread of pseudorabies. Further, though enforcement of the provisions for two negative tests may be difficult, it appears that these requirements are needed in order to help prevent the introduction of pseudorabies into a herd. In addition, it is anticipated that most affected persons will readily comply with the provisions.

One comment addressed the issue of cleaning and disinfecting premises where positive swine have been removed from qualified pseudorabies negative herds and only negative swine remain, stating that such cleaning and disinfecting "is unnecessary and will not accomplish anything." Amendments to the cleaning and disinfection requirements in § 85.1(ee) were proposed in the first proposal, but deleted in the second proposal based on comments. This issue was discussed at length in the second proposal at 50 FR 14933. Therefore no changes are made based on this comment.

Section 85.1(ff), Pseudorabies Controlled Vaccinated Herd

Two of the comments received which addressed § 85.1(ff) stated that they objected to the entire category of a "pseudorabies controlled vaccinated herd" and a third comment stated that they did not understand "how any validity could be given to negative pseudorabies status conferred on vaccinated swine." Five other comments either addressed the specific amendments put forth in the proposal or suggested other amendments to § 85.1(ff).

APHIS personnel have carefully considered these comments. Based on the comments received, a determination has been made to consider publishing a proposal to eliminate the category of "pseudorabies controlled vaccinated herd."

In addition, a determination has been made to amend § 85.1(ff) as is necessary at this time to improve the effectiveness of the current program to prevent the interstate spread of pseudorabies. Therefore, the five comments which addressed the specific amendments proposed to § 85.1(ff) are discussed below.

The provisions in § 85.1(ff) for attaining and maintaining pseudorabies controlled vaccinated herd status require, among other things, that all swine over 6 months of age in pseudorabies controlled vaccinated herds be vaccinated for pseudorabies. It was proposed to amend these provisions to provide that a minimum of 10% of the swine over six months of age in a pseudorabies controlled vaccinated herd be unvaccinated swine.

One comment received was completely favorable. Another commenter was favorable, but suggested that, "[a]s an alternative, producers should be allowed to test 25 percent of unvaccinated animals greater than 16 weeks of age." The commenter explained that "[s]erum titers in these pigs should provide evidence of circulating virus in the herd." This commenter stated that if the producer chose to test 25 percent of the offspring 16–20 weeks of age, there would be no need to leave 10 percent of the animals over six months of age unvaccinated.

APHIS has carefully considered this comment, and has determined that the commenter's suggestion should be adopted. Therefore, § 85.1(ff) is amended to provide that all swine in a pseudorabies controlled vaccinated herd may be vaccinated if the producer takes the option of maintaining herd status by testing offspring.

Section § 85.1(ff) is also amended to allow producers, as an option, to leave 10 percent of swine over 6 months of age in the herd unvaccinated and to maintain status as a pseudorabies controlled vaccinated herd by testing the unvaccinated swine every 80–105 days.

The proposal also proposed amendments to those portions of § 85.1(ff) which set forth procedures for attaining or regaining pseudorabies controlled vaccinated herd status if any swine tested are found positive to pseudorabies on the qualifying official pseudorabies serologic test or any subsequent official pseudorabies test. Section 85.1(ff) provides, in part, that after the test positive swine are removed, pseudorabies controlled vaccinated herd status is attained or regained by tests conducted on all swine over 6 months of age, and finding all swine so tested negative. It was proposed to require that to attain or regain pseudorabies controlled vaccinated herd status, all swine in the herd over 16 weeks of age must be subjected to two consecutive pseudorabies serologic tests, at stated intervals, and be found negative.

Two comments were received on this issue. One commenter asserted that all pigs, except those nursing from their mothers, should be subjected to the first test, but that the second test should only be conducted on animals over six months of age. The other commenter agreed, stating that once a herd has met the requirements for release from quarantine, it should only have to meet the testing requirements required of any negative herd or herd of unknown status in order to gain pseudorabies controlled vaccinated herd status.

APHIS has carefully considered these comments and agrees that the proposed regulations should be amended to require the testing of all swine except swine nursing their mothers on the first test. This is consistent with testing required for release of quarantine. In addition, APHIS believes the proposed regulations should be amended to require that on the second test, only swine over 6 months of age must be tested and found negative for pseudorabies. This is consistent with testing required to requalify an infected herd as a "qualified pseudorabies negative herd" and eliminates the requirement that a herd which was formerly a pseudorabies controlled vaccinated herd must be subjected to more testing to be requalified as such than a herd which was never qualified as a pseudorabies controlled vaccinated herd.

Section 85.5, Interstate Movement of Infected Swine or Exposed Swine

With respect to the interstate movement of infected or exposed swine for slaughter, it was proposed to amend § 85.5(a)(3) of the regulations to provide that if [such] swine are moved interstate and identity of the farm of origin of each swine is maintained, the permit or owner-shipper statement [accompanying the swine] need not list the individual identification of the swine if the swine are identified to the farm of origin at the recognized slaughtering establishment or the first slaughter market.

Four commenters addressed this issue: Three supported the proposed change; the fourth opposed it. The commenter who opposed the proposed change stated that "[c]ertain restrictions need to be maintained to assure pseudorabies-infected swine are not allowed into [the commenter's State] without proper controls and that vehicles transporting these swine be properly cleaned and disinfected after delivery of the infected swine".

No change is made based on these comments. Section 85.12 of the regulations requires that all means of conveyance used in connection with the interstate movement of pseudorabies-infected or exposed livestock be cleaned and disinfected.

Section 85.7, Interstate Movement of Swine Not Vaccinated for Pseudorabies and Not Known To Be Infected With or Exposed to Pseudorabies

Section 85.7 of the regulations sets forth requirements for the interstate movement of swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies. The current provisions in § 85.7(b) allow such swine to move interstate from any source to an approved livestock market and then directly to a feedlot, quarantined feedlot, or quarantined herd. It was proposed to amend this provision to allow swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies to move interstate from a farm of origin through two approved livestock markets before being moved to a feedlot, quarantined feedlot, or quarantined herd.

Two commenters addressed these issues. One commenter stated that they did not approve of movements through two markets but instead would limit such movements to one market. The other commenter stated that they agreed "with the provision allowing movement through two approved livestock markets before being moved to a feedlot. However, this does not allow for the producers who have made a business of conditioning lightweight, unthrifty, or runt pigs for subsequent sale as healthier feed pigs. These businesses could not bring pigs from markets and resell through markets because in counting themselves as a market of sorts, their pigs would have traveled through three markets, in violation of the two-market maximum."

No changes are made based on these comments. The proposed amendment to the regulation is limited to allowing swine to move interstate from a farm of origin through two approved livestock markets before being moved to a feedlot, quarantined feedlot, or quarantined herd. Businesses such as those described by the commenter would not be allowed to move swine interstate under this provision. Not only, as correctly stated by the commenter, would swine from such businesses "have traveled through three markets, in violation of the two-market maximum", but such swine would not have moved interstate from a farm of origin, as would be required under the proposed provision. In addition, unthrifty "runt" pigs may be infected with pseudorabies virus.

The current provisions in § 85.7(b) also require that swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies (other than those from qualified pseudorabies negative herd) be identified to the farm of origin prior to movement and be accompanied by a certificate. It was proposed to allow such swine not vaccinated to move interstate from a farm of origin to an approved livestock market when accompanied by an owner-shipper statement in lieu of a certificate. The swine would then be identified to the farm of origin by an identification tag after arrival at the first approved livestock market.

One comment favored the proposed amendment. A second comment apparently objected to all provisions in the regulations for owner-shipper statements, including this proposed provision in § 85.7, stating that the owner-shipper statement "does not work and causes considerable adversities among livestock owners."

No change is made on this comment. This amendment applies to swine which are normally moved without identification to the farm of origin and without individual identification. Such identification is normally applied at the livestock market. Therefore, as stated in the second proposal at 50 FR 14935, "It appears that the owner-shipper statement is essential to identify a shipment of animals. The statement would be required to be signed by the owner or shipper of the swine. Such persons would have knowledge of the status and origin of the swine. . . . Also, it appears that it is necessary that the owner-shipper statement accompany the swine from the farm of origin. Otherwise, there would be no assurance that the swine would be identified during interstate movement." The Department affirms this rationale.

Permits and Certificates

In the first proposal it was proposed to amend § 85.10(b) to read as follows:

> A copy of each permit or certificate issued in accordance with this part shall be sent by the person issuing such document to the State animal health official of the State of destination in accordance with instructions issued by the State animal health official of the State of origin within 3 days of the issuance of the document.

In the second proposal it was proposed to amend § 85.10(b) to read as follows:

> A copy of each permit or certificate issued in accordance with this part shall be sent by the person issuing such document to the State animal health official of the State of destination within 3 days of the issuance of the document.

One comment received addressed this proposed amendment. The commenter stated that the current regulation should be retained, and that adoption of the proposed amendment would result in a requirement that swine health certificates be handled differently from all other health certificates.

No changes are made based on this comment.

As stated in the second proposal at 50 FR 14936, the language originally-proposed was re-proposed, ". . . except for 'in accordance with instructions issued by the State animal health official of the State of origin.' These words [were] not included in the second proposed rule because not all States have established such instructions."

As further stated in the second proposal:

> In addition to complying with this regulation, accredited veterinarians must comply with any additional instructions, consistent with the regulations which are issued by the State animal health official or the Area Veterinarian in Charge regarding the distribution of such documents, such as also sending copies of the permit or certificate to the State of origin. However, in every instance the regulations require the person issuing the certificate or permit to send a copy of the certificate or permit to the State animal health official of the State of destination within three days of its issuance.

The adoption of the wording proposed in the second proposal will conform the certificate requirements in Part 85 with the other certificate requirements in the other parts of this Chapter concerning the handling of health certificates.

Miscellaneous

This document includes other miscellaneous changes for the purposes of clarity.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping provisions that are included in this Final Rule have been cleared by the Office of Management and Budget (OMB). The information collection provisions have been given the OMB clearance number 0579–0069.

Executive Order 12291 and Certification Under the Regulatory Flexibility Act

This action is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action will have an annual effect on the economy of less than one hundred million dollars; will not cause a major increase in costs or prices for

consumers, individual industries, Federal, State, or local government agencies, or geographic regions; will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This document provides an alternate method by which a herd of swine which has been classified as a known infected herd can be removed from such classification; provides an alternate method by which a herd of swine can attain or regain status as a qualified pseudorabies negative herd; provides alternate methods by which swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies can be moved interstate to approved livestock markets, quarantined feedlots, quarantined herds, and feedlots; and provides an alternate method by which shippers can move swine infected with or exposed to pseudorabies to slaughter.

The Department believes that the above-mentioned amendments will result in a small economic impact upon swine producers on some occasions. This document restricts the interstate movement from an approved livestock market of certain swine which are not vaccinated for or known to be infected with or exposed to pseudorabies. Few shippers of swine will be affected by this restriction. This document also adds testing requirements to maintain qualified pseudorabies herd status. Fewer than one percent of the swine herds in the country are qualified pseudorabies negative herds. This document further provides an improved method by which the pseudorabies disease status of a pseudorabies controlled vaccinated herd can be monitored. Fewer than one percent of the swine herds in the country are pseudorabies controlled vaccinated herds.

The alternatives considered were:

1. Do not amend the present regulations. This would continue known inequities in the present regulations and provide no relief to affected persons. Therefore, this alternative was not adopted.

2. Rescind the regulations. This would permit the disease to spread unchecked. Therefore, this alternative was not adopted.

3. Amend the regulations as set forth in the text portion of this document. This alternative relieves the affected persons of some regulatory burdens which do not appear to be necessary for the prevention of the interstate dissemination of pseudorabies. Therefore, this alternative was adopted.

Under the circumstances explained above, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015).

List of Subject in 9 CFR Part 85

Animal diseases, Livestock and livestock products, Quarantine, Transportation, Pseudorabies.

PART 85—PSEUDORABIES

Accordingly, 9 CFR Part 85 is amended in the following respects:

1. The authority citation for Part 85 is revised to read as follows:

Authority: 21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 85.1, the definitions are arranged in alphabetical order and the paragraph designations are deleated.

3. In § 85.1, the definition for "Known infected herd" is revised to read as follows:

§ 85.1 Definitions.

* * * * *

Known infected herd. Any herd in which any livestock has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies.

(1) A herd of livestock, other than swine, shall no longer be classified as a known infected herd after 10 days since the last clinical case of pseudorabies in the herd.

(2) A herd of swine which has been released from pseudorabies quarantine in accordance with the following provisions shall no longer be classified as a known infected herd if:

(i) All swine positive to an official pseudorabies test have been removed from the premises; all swine which remain in the herd, except swine nursing from their mothers, are subjected to an official pseudorabies serologic test and found negative 30 days or more after removal of swine positive to an official pseudorabies test; and no livestock on the permises have shown clinical signs of pseudorabies after removal of the postive swine; or

(ii) All swine have been depopulated for 30 days and the herd premises have been cleaned and disinfected in accordance with § 85.13; or

(iii) In a herd of swine in which swine are positive to an official pseudorabies serologic test but no swine are postive at titers greater than 1:8, all titered swine are subjected to another official pseudorabies serologic test and found negative; and all other swine in the herd which an epidemiologist, approved by the State animal health official and the Veterinarian in Charge, requires to be subjected to an official pseudorabies serologic test are tested and found negative.[1]

* * * * *

4. In § 85.1, the definition for "Exposed livestock" is amended by removing the term "21 consecutive days" and inserting the term "10 consecutive days" in lieu thereof.

5. In § 85.1, the definition for "Official pseudorabies test" is amended by changing the number of footnotes 1, 2, and 3 and the references thereto to 2, 3, and 4, respectively.

6. In § 85.1, the definition for "Slaughter market" is amended by changing the footnotes 4 and 5 the references thereto to 5 and 6, respectively.

7. In § 85.1, the definition for "Quarantined herd" is amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

8. In § 85.1, the definition for "Official vaccinate" is amended by changing the number of footnote 6 and the reference thereto to 7.

9. In § 85.1, the definition for "Owner-shipper statement" is revised to read as follows:

* * * * *

Owner-shipper statement. A statement signed by the owner or shipper of swine which states: (1) The number of swine to be moved; (2) the points of origin and destination; (3) the consignor and consignee; and (4) any additional information required by this part.

* * * * *

[1] The epidemiologist shall consider the following epidemiologic evidence to determine which swine in the herd, in addition to the titered swine, must be subjected to an official pseudorbies serologic test and found negative: (a) the percentage and number of titered swine in the herd; (b) the number of titered swine as compared to the number of swine tested; (c) the extent of the contact of members of the herd with the titered swine; (d) the prevalence of pseudorabies in the area; (e) the herd management practices; and (f) any other reliable epidemiologic evidence.

10. In § 85.1, the definition for "Qualified pseudorabies negative herd" is revised to read as follows:

* * * * *

Qualified pseudorabies negative herd. (1) Qualified pseudorabies negative herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies serologic test and finding all swine so tested negative. The herd must not have been a known infected herd within the past 30 days. A minimum of 90 percent of the swine in the herd must have been on the premises and a part of the herd for at least 90 days prior to the qualifying official pseudorabies serologic test or have entered directly from another qualified pseudorabies negative herd.

(2)(i) If on a qualifying official pseudorabies serologic test or any subsequent official pseudorabies test, any swine so tested are positive, qualified pseudorabies negative herd status is attained or regained by: removing all positive swine and cleaning and disinfecting the herd premises in accordance with § 85.13; subjecting all swine in the herd, except swine nursing from their mothers, to an official pseudorabies serologic test 30 days or more after removal of the positive swine and finding all swine so tested negative; and, after an interval of 30 to 60 days after the first such negative official pseudorabies serologic herd test, subjecting all swine in the herd over 6 months of age to another official pseudorabies serologic test and finding all swine so tested negative; or

(ii) If on any qualifying official pseudorabies serologic test or any subsequent official pseudorabies serologic test, any swine so tested are positive, but no swine are positive at titers greater than 1:8, qualified pseudorabies negative herd status is attained or regained by: Subjecting all titered swine and all other swine required to be tested by an epidemiologist, approved by the State animal health official and the Veterinarian in Charge, to an official pseudorabies serologic test and finding all such swine negative.[1]

(3) Qualified pseudorabies negative herd status is maintained by subjecting all swine over 6 months of age in the herd to an official pseudorabies serologic test at least once each year (this must be accomplished by testing 25 percent of swine over 6 months of age every 80–105 days and finding all swine so tested negative, or by testing 10 percent of the swine over 6 months of age each month and finding all swine so tested negative; no swine shall be tested twice in 1 year to comply with the 25 percent requirement or twice in 10 months to comply with the 10 percent requirement). All swine intended to be added to a qualified pseudorabies negative herd shall be isolated until the swine have been found negative to two official pseudorabies serologic tests, one conducted 30 days or more after the swine have been placed in isolation, the second test being conducted 30 days or more after the first test; except (i) swine intended to be added to a qualified pseudorabies negative herd directly from another qualified pseudorabies negative herd may be added without isolation or testing; (ii) swine intended to be added to a qualified pseudorabies negative herd from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd, shall be isolated until the swine have been found negative to an official pseudorabies serologic test, conducted 30 days or more after the swine have been placed in isolation; (iii) swine returned to the herd after contact with swine other than those from a single qualified pseudorabies negative herd shall be isolated until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation.

* * * * *

11. In § 85.1, the definition for "Pseudorabies controlled vaccinated herd" is revised to read as follows:

* * * * *

Pseudorabies controlled vaccinated herd. (1) Pseudorabies controlled vaccinated herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies serologic test and finding all swine so tested negative. The herd must not have been a known infected herd within the past 30 days. Any swine in the herd over 6 months of age may be vaccinated for pseudorabies within 15 days after being subjected to an official pseudorabies serologic test and found negative.[1]

(2) If on the qualifying official pseudorabies serologic test or any subsequent official pseudorabies test, any swine so tested are positive, pseudorabies controlled vaccinated herd status is attained or regained by: removing all positive swine; cleaning and disinfecting the herd premises in accordance with § 85.13; subjecting all swine in the herd, except swine nursing from their mothers, to an official pseudorabies serologic test 30 days or more after removal of the positive swine and finding all swine so tested negative; and, after an interval of 30 to 60 days after the first such negative official pseudorabies serologic herd test, subjecting all swine in the herd over 6 months of age to another official pseudorabies serologic test and finding all swine so tested negative.

(3)(i) Pseudorabies controlled vaccinated herd status is maintained by: subjecting 25 percent of all the offspring to an official pseudorabies serologic test when they are between 16 and 20 weeks of age and finding all swine so tested negative, or by leaving 10 percent of the swine over 6 months of age in the herd unvaccinated and subjecting all such unvaccinated swine to an official pseudorabies serologic test every 80–105 days and finding all swine so tested negative.

(ii) Any swine in the herd over 6 months of age may be vaccinated for pseudorabies within 15 days after being subjected to an official pseudorabies serologic test and found negative; *Provided that,* if pseudorabies controlled vaccinated herd status is to be maintained by testing unvaccinated swine over 6 months of age, at least 10 percent of the swine in the herd over 6 months of age shall remain unvaccinated.

(iii) All swine intended to be added to a pseudorabies controlled vaccinated herd shall be isolated until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation. Not more than 90 percent of the swine over 6 months of age added to the herd may be vaccinated for pseudorabies. All additions to the herd which are to be vaccinated for pseudorabies shall be vaccinated within 15 days after being subjected to such official pseudorabies serologic test. All additions to the herd shall be added to the herd within 30 days after such official pseudorabies serologic test.

(iv) Swine which have not been vaccinated for pseudorabies and which are to be tested to maintain pseudorabies controlled vaccinated herd status shall be maintained in the herd so that the pseudorabies vaccinates can physically touch nonvaccinates or so that the pseudorabies vaccinates are within 10 feet of nonvaccinates while sharing a direct common ventilation system with such nonvaccinates.

* * * * *

12. In § 85.1, the definition for "Approved livestock market" is amended by changing the number of footnotes 7 and 8 and the references thereto to 8 and 9, respectively.

13. In § 85.1, the definition for "Swine not known to be infected with or

exposed to pseudorabies" is amended by removing the words "provisions of § 85.1(l)" and inserting the words "definition of known infected herd in § 85.1" in lieu thereof.

14. Section 85.1 is amended by adding new definitions in alphabetical order to read as follows:

Contact. Direct access to other swine, their excrement, or discharges; or sharing a building with a common ventilation system with other swine, or being within ten feet of other swine if not sharing a building with a common ventilation system.

Isolation. Separation of swine by a physical barrier in such a manner that other swine do not have access to the isolated swine's body, excrement, or discharges; not allowing the isolated swine to share a building with a common ventilation system with other swine; and not allowing the isolated swine to be within ten feet of other swine if not sharing a building with a common ventilation system.

Official pseudorabies serologic test. An official pseudorabies test, as defined in paragraph (q) of this section, conducted on swine serum to detect the presence or absence of pseudorabies antibodies.

Veterinarian in charge. The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is assigned by the Deputy Administrator to supervise and perform official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

15. In § 85.4, paragraph (b) is revised to read as follows:

§ 85.4 Interstate movement of livestock.

* * * * *

(b) Livestock that have been exposed to an animal showing clinical evidence of pseudorabies shall not be moved interstate within 10 days of such exposure.

* * * * *

16. In § 85.5, paragraph (a)(3) is revised to read as follows:

* * * * *

§ 85.5 Interstate movement of infected swine or exposed swine.

(a) * * *

(3) The permit, in addition to the information in § 85.1, or the owner-shipper statement, in addition to the information in § 85.1, lists the identification tag, tattoo, earnotch recognized by a breed association, or similar identification of each swine being moved; *except* if the swine are moved interstate and the indentity of the farm of origin of each swine is maintained, the permit or the owner-shipper statement need not list the individual identification required by this paragraph, if such swine are identified to the farm of orgin at the recognized slaughtering establishment or the first slaughter market; and

* * * * *

17. In § 85.5, paragraph (b)(1) is amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

18. In § 85.5, paragraph (b)(5) is amended by removing the reference to "§ 85.1(bb)" and inserting "§ 85.1" in lieu thereof.

19. In § 85.5, paragraph (b)(5)(iii) is amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

§ 85.6 [Amended]

20. In § 85.6, paragraph (b)(2) is amended by removing the reference to "§ 85.1(bb)" and inserting "§ 85.1" in lieu thereof.

21. In § 85.7, paragraph (b) is revised to read as follows:

§ 85.7 Interstate movement of swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies.

* * * * *

(b) *Movement to a feedlot, quarantined feedlot, quarantined herd, or approved livestock market.* Swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies may be moved interstate only if:

(1) The swine are moved from a qualified pseudorabies negative herd directly to a feedlot, quarantined feedlot, quarantined herd, or approved livestock market; or

(2) The swine are moved directly to a feedlot, quarantined feedlot, quarantined herd, or to an approved livestock market for subsequent movement to a feedlot or quarantined feedlot, quarantined herd in accordance with paragraph (c) of this section; or

(3) The swine are moved from a State which requires the State animal health official of that State to be immediately notified of any suspected or confirmed case of pseudorabies in that State and which requires that exposed or infected livestock be quarantined, such quarantine to be released only after having met quarantine release standards no less restrictive than those in the definition of known infected herd in § 85.1, and

(i) The swine are accompanied by an owner-shipper statement and are moved from a farm of origin directly to an approved livestock market; and

(A) The owner-shipper statement is delivered to the consignee, and

(B) The swine are identified at the approved livestock market to the farm of origin by an identification tag, or

(ii) The swine are accompanied by a certificate and such certificate is delivered to the consignee; the certificate, in addition to the information in § 85.1, states the identification of the farm of origin of each swine being moved by an earnotch recognized by a breed associated, identification tag, tattoo, or similar identification, and approval for the interstate movement has been issued by the State animal health official of the State of destination prior to the interstate movement of the swine, and

(A) The swine are move directly to a feedlot, quarantined feedlot, quarantined herd or approved livestock market from a farm of origin; or

(B) The swine are moved directly to a feedlot, quarantined feedlot, quarantined herd or approved livestock market from an approved livestock market which received the swine directly from a farm of origin, or

(C) The swine are moved directly to a feedlot, quarantined feedlot, or quarantined herd from an approved livestock market, which received the swine from another approved livestock market, which received the swine directly from a farm of origin.

* * * * *

22. In § 85.7, the introduction to paragraph (c) is revised to read as follows:

* * * * *

(c) *General movements.* Swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies may be moved interstate only if:

* * * * *

23. In § 85.7, paragraph (c)(2) is amended by removing the reference to "§ 85.1(cc)" and inserting "§ 85.1" in lieu thereof.

24. In § 85.7, paragraph (c)(2)(ii)(A) is amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

25. In § 85.7, paragraph (c)(2)(ii)(C) is amended by removing the words "official test" and inserting the words "official pseudorabies serologic test" in lieu thereof.

§ 85.9 [Amended]

26. Section 85.9 is amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

27. In § 85.10, paragraph (b) is revised to read as follows:

§ 85.10 Permits and certificates.

* * * * *

(b) A copy of each permit or certificate issued in accordance with this part shall be sent by the person issuing such document to the State animal health official of the State of destination within 3 days of the issuance of the document.

§ 85.11 [Amended]

28. In § 85.11, paragraph (a) is amended by changing the number of footnote 9 and the reference thereto to 1.

Done at Washington, D.C., this 7th day of November 1985.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 85-27004 Filed 11-14-85; 8:45 am]

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H.J. Res. 282 / Pub. L. 99-147

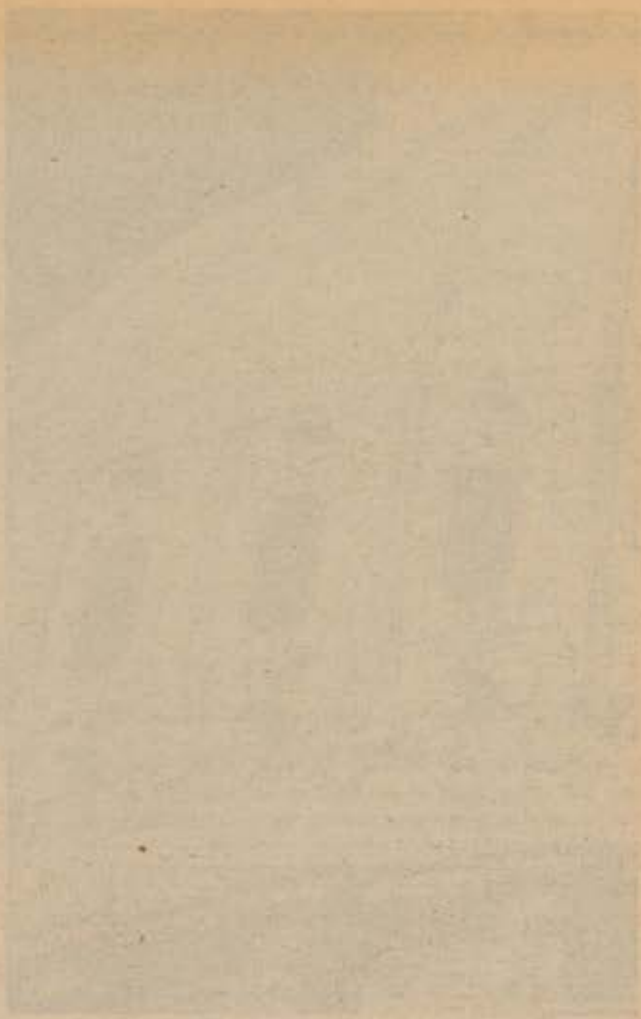
Designating the week beginning October 27, 1985, as "National Alopecia Areata Awareness Week". (Nov. 12, 1985; 99 Stat. 783; 1 page) Price: $1.00

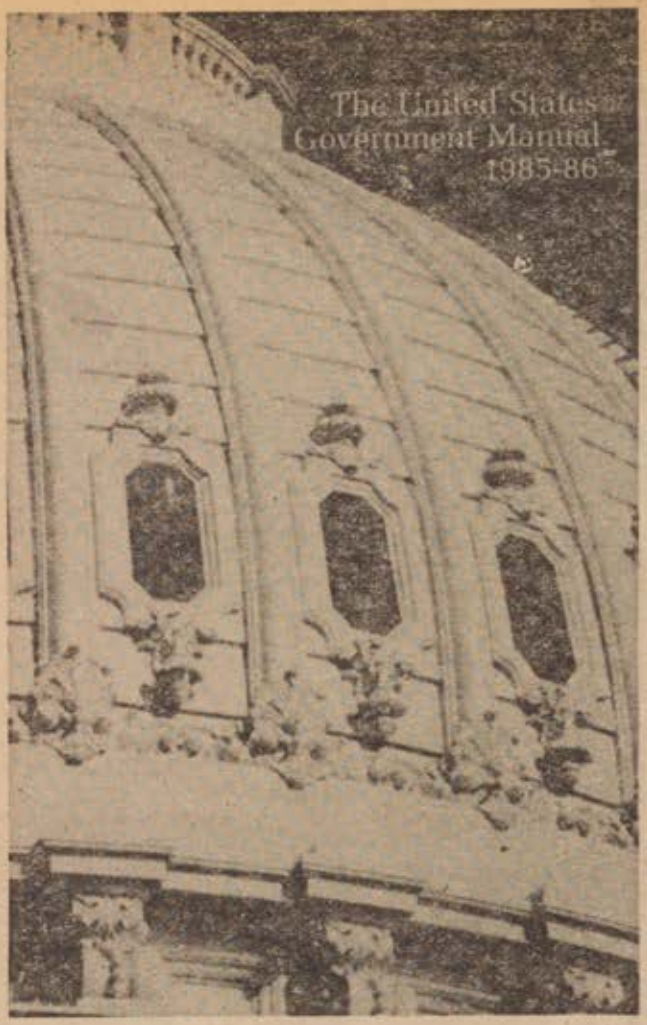
S.J. Res. 29 / Pub. L. 99-148

Designating the week of November 11 through November 17, 1985, as "National Reye's Syndrome Week". (Nov. 12, 1985; 99 Stat. 784; 2 pages) Price: $1.00

S.J. Res. 130 / Pub. L. 99-149

Designating the week beginning on November 10, 1985, as "National Blood Pressure Awareness Week". (Nov. 12, 1985; 99 Stat. 786; 1 page) Price: $1.00





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